

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

ORGANIZATIONAL SESSION
SIXTY-SECOND LEGISLATURE

FIRST ORGANIZATIONAL DAY
THURSDAY, DECEMBER 6, 2012

House of Representatives

At the hour of 9 a.m., on Thursday, December 6, 2012, the members-elect of the House of Representatives convened in the House Chamber of the Capitol Building in the City of Boise, with the Honorable Lawrence Denney, Speaker of the House of the Sixty-first Legislature presiding, assisted by Bonnie Alexander, Chief Clerk of the Sixty-first Legislature.

The Chief Clerk read the official proclamation as follows:

I, Ben T. Ysursa, Secretary of State of the State of Idaho and legal custodian of the records of elections held in the State of Idaho, do hereby certify that the following is a full, true and complete list of those elected to serve as members of the House of Representatives of the First Regular Session of the Sixty-second Legislature, as shown by official records on file in my office:

| DISTRICT | NAME |
|----------|--|
| 1 | Eric R. Anderson (R), George E. Eskridge (R) |
| 2 | Vito Barbieri (R), Ed Morse (R) |
| 3 | Ron Mendive (R), Frank N. Henderson (R) |
| 4 | Luke Malek (R), Kathleen Sims (R) |
| 5 | Lucinda L. "Cindy" Agidius (R), Shirley G. Ringo (D) |
| 6 | Thyra Stevenson (R), John Rusche (D) |
| 7 | Shannon McMillan (R), Paul E. Shepherd (R) |
| 8 | Terry Gestrin (R), Lenore Hardy Barrett (R) |
| 9 | Lawrence Denney (R), Judy Boyle (R) |
| 10 | Brandon A. Hixon (R), Darrell Bolz (R) |
| 11 | Gayle L. Batt (R), Christy Perry (R) |
| 12 | Robert Anderst (R), Rick D. Youngblood (R) |
| 13 | Brent J. Crane (R), Gary E. Collins (R) |
| 14 | Mike Moyle (R), Reed DeMordaunt (R) |
| 15 | Lynn M. Luker (R), Mark Patterson (R) |
| 16 | Grant Burgoyne (D), Hy Kloc (D) |
| 17 | John Gannon (D), Susan B. "Sue" Chew (D) |
| 18 | Janie Ward-Engelking (D), Phylis K. King (D) |
| 19 | Mat Erpelding (D), Holli Woodings (D) |
| 20 | Joe Palmer (R), James Holtzclaw (R) |
| 21 | Steven Harris (R), Thomas Dayley (R) |
| 22 | John Vander Woude (R), Jason A. Monks (R) |
| 23 | Richard "Rich" Wills (R), Pete Nielsen (R) |
| 24 | Lance Clow (R), Stephen Hartgen (R) |
| 25 | Maxine T. Bell (R), Clark Kauffman (R) |
| 26 | Steven Miller (R), Donna Pence (D) |
| 27 | Scott Bedke (R), Fred Wood (R) |
| 28 | Ken Andrus (R), Kelley Packer (R) |

29 Carolyn Meline (D), Elaine Smith (D)
30 Jeff Thompson (R), Wendy Horman (R)
31 Neil A. Anderson (R), Julie VanOrden (R)
32 Marc Gibbs (R), Thomas F. Loertscher (R)
33 Janet Trujillo (R), Linden B. Bateman (R)
34 Douglas A. Hancey (R), Dell Raybould (R)
35 JoAn E. Wood (R), Paul Romrell (R)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capital of Idaho, this Twenty-eighth day of November, in the year of our Lord, two thousand and twelve, and of the Independence of the United States of America, the two hundred and thirty-seventh.

/s/ Ben T. Ysursa
Secretary of State

The Certificate of Election was ordered filed in the office of the Chief Clerk.

During the interim, Mr. Terry Gestrin was administered the oath of office, and the following Certificate of Appointment was ordered filed in the office of the Chief Clerk.

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, Idaho Code, the District 8 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State House of Representatives.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Terry Gestrin of Donnelly, Idaho to the office of State Representative, District 8, House Seat A, for a term commencing August 2, 2012 and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 2nd day of August, in the year of our Lord two thousand and twelve and of the Independence of the United States of America, the two hundred and thirty-seventh year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

Roll call showed 69 members present.
Absent and excused – Shepherd. Total – 1.
Total – 70.

At this time, Speaker Denney administered the oath of office to all members-elect.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Nominations were declared in order for the Speaker of the House.

Mr. Moyle presented in nomination the name of Mr. Scott Bedke. Seconded by Mr. Rusche.

Mr. Moyle moved that nominations cease and that a unanimous ballot be cast for Mr. Scott Bedke. Seconded by Mr. Rusche.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and Mr. Scott Bedke was elected Speaker of the House.

At this time, Mr. Moyle and Mr. Rusche escorted Mr. Bedke to the podium where the oath of office was administered to him by the Honorable Lawrence Denney.

At this time, Speaker Bedke took the Chair.

Mr. Moyle moved that the House adopt as Temporary Rules and Temporary Joint Rules for the First and Second Sessions of the Sixty-second Legislature, the Rules and Joint Rules as adopted by the Sixty-first Legislature. Seconded by Mr. Rusche.

Whereupon the Speaker declared by voice vote that a majority of the members having voted in the affirmative, the motion carried and the Temporary Rules and Temporary Joint Rules were adopted.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

At this time, the members selected their seats in accordance with House Rule 67.

Mr. Moyle moved that the House recess subject to Call of the Chair. Seconded by Mr. Rusche.

Whereupon the Speaker declared the motion carried by voice vote and the House was recessed subject to Call of the Chair.

RECESS

Prior to recess, the House was at the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Friday, December 7, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 4:53 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

ORGANIZATIONAL SESSION
SIXTY-SECOND LEGISLATURE

SECOND ORGANIZATIONAL DAY
FRIDAY, DECEMBER 7, 2012

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Boyle, Shepherd. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

Mr. Moyle moved that the House recess subject to Call of the Chair. Seconded by Mr. Rusche.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and the House was recessed subject to Call of the Chair.

Prior to recess, the House was at the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

The following committee assignments were announced by the Speaker:

STANDING COMMITTEES OF THE HOUSE SIXTY-SECOND IDAHO LEGISLATURE

AGRICULTURAL AFFAIRS (14)

Andrus, Chairman
Boyle, Vice Chairman

Bolz
McMillan
Batt
Bell
Agidius
Dayley
Miller
Romrell
Stevenson
VanOrden

Pence
Erpelding

APPROPRIATIONS (10)

Bell, Chairman
Bolz, Vice Chairman

Eskridge
Thompson
Gibbs
Miller
Stevenson(6)
Youngblood

Ringo
King

BUSINESS (18)

Henderson, Chairman
Thompson, Vice Chairman

Collins
Crane
Palmer
Barbieri
Batt
Agidius
Clow
Hixon
Kauffman
Monks
Morse
Stevenson
Youngblood

Smith(29)
Rusche
Gannon

COMMERCE AND HUMAN RESOURCES (12)

Hartgen, Chairman
Anderson(31), Vice Chairman

Loertscher
Anderst
Hancey
Harris
Holtzclaw
Mendive
Romrell
VanOrden

King
Woodings

EDUCATION (16)

DeMordaunt, Chairman
Nielsen, Vice Chairman

Shepherd
Wills
Bateman
Boyle
Agidius
Clow
Gestrin
Harris
Horman
Mendive
VanOrden

Pence
Kloc
Ward-Engelking

ENVIRONMENT, ENERGY, AND TECHNOLOGY (17)

Raybould, Chairman
Eskridge, Vice Chairman

Anderson(1)
Hartgen
DeMordaunt
Nielsen
Thompson
Vander Woude
Anderson(31)
Anderst
Mendive
Monks
Morse
Trujillo

Smith
Rusche
Woodings

HEALTH AND WELFARE (11)

Wood(27), Chairman
Perry, Vice Chairman

Hancey
Henderson
Hixon
Malek
Morse
Romrell
Vander Woude

Rusche
Chew

JUDICIARY, RULES, AND ADMINISTRATION (17)

Wills, Chairman
Luker, Vice Chairman

Nielsen
Bolz
Bateman
McMillan
Perry
Sims
Dayley
Horman
Malek
Packer
Patterson
Trujillo

Burgoyne
Meline
Ringo

LOCAL GOVERNMENT (14)

Barrett, Chairman
Sims, Vice Chairman

Barbieri
Luker
Perry
Clow
Hancey
Harris

Chew
Kloc
Meline

Holtzclaw
Horman
Malek

RESOURCES AND CONSERVATION (17)

Denney, Chairman
Gibbs, Vice Chairman

Wood(35)
Barrett
Moyle
Eskridge
Raybould
Andrus
Shepherd
Wood(27)
Boyle
Vander Woude
Gestrin
Miller

Pence
Erpelding
Ward-Engelking

REVENUE AND TAXATION (16)

Collins, Chairman
Wood(35), Vice Chairman

Barrett
Moyle
Raybould
Denney
Anderson(31)
Anderst
Dayley
Hartgen
Kauffman
Patterson
Trujillo

Burgoyne
Erpelding
Meline

STATE AFFAIRS (16)

Loertscher, Chairman
Batt, Vice Chairman

Anderson(1)
Andrus
Luker
Crane
Palmer
Sims
Barbieri
Holtzclaw
McMillan
Monks
Packer

Smith
Gannon
Woodings

TRANSPORTATION AND DEFENSE (17)

Palmer, Chairman
Shepherd, Vice Chairman

Wood(35)
Wills
Bateman
Henderson
Denney
Gestrin
Gibbs
Hixon
Kauffman
Packer
Patterson
Youngblood

Ringo
King
Gannon

WAYS AND MEANS (7)

Anderson(1), Chairman

Moyle
Crane
Vander Woude

Rusche
Burgoyne
Pence

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the Organizational Session of the Sixty-second Legislature adjourn Sine Die. Seconded by Mr. Rusche.

Whereupon the Speaker declared the motion carried and the Organizational Session of the Sixty-second Legislature adjourned Sine Die at 11:47 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**FIRST LEGISLATIVE DAY
MONDAY, JANUARY 7, 2013**

House of Representatives

The House convened at 12 noon, January 7, 2013, the time established for the convening of the First Regular Session of the Sixty-second Legislature, the members of the House of Representatives convened in the House Chamber of the Capitol Building in the City of Boise, with Scott Bedke, Speaker, presiding.

Roll call showed all 70 members present.

At this time the Speaker put the House at ease for the Flag Ceremony.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Rebecca Failing, Page.

Approval of Journal

January 7, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Organizational Session and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE RESOLUTION NO. 1 BY MOYLE AND RUSCHE A HOUSE RESOLUTION

DETERMINING THE SELECTION AND
COMPENSATION OF THE EMPLOYEES OF THE HOUSE
OF REPRESENTATIVES OF THE FIRST REGULAR
SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, House Rule 74 provides that the selection and compensation of the employees of the House of Representatives shall be determined by resolution of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, that the selection and compensation

of the officers and employees of the House of Representatives of the First Regular Session of the Sixty-second Idaho Legislature be determined by the Speaker of the House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 1 BY MOYLE AND RUSCHE

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Sixty-second Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 7, 2013.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 7, 2013, at 1 p.m. for the purpose of hearing the message from the Governor.

[HR 1](#) and [HCR 1](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Moyle asked unanimous consent that two committees be appointed by the Speaker; one to notify the Governor, and one to notify the Senate that the House is organized and ready to do business. There being no objection, it was so ordered.

The Speaker appointed the following committees to notify the Governor and the Senate.

Representatives Crane, Barbieri, and Ringo were appointed as the committee to notify the Governor and Representatives Boyle, Batt, and Pence were appointed as the committee to notify the Senate. The committees were excused.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

January 7, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 1](#).

WILLS, Chairman

[HCR 1](#) was ordered held at the Desk.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

[HCR 1](#) - GOVERNOR - STATE OF STATE ADDRESS

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HCR 1](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HCR 1](#) be

read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barrett, Bateman, Bell, Bolz, Burgoyne, Chew, Clow, Collins, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Patterson, Perry, Raybould, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Barbieri, Batt, Boyle, Crane, Pence, Ringo. Total – 6.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HCR 1](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [HCR 1](#) be adopted?"

Whereupon the Speaker declared [HCR 1](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

The committee appointed to notify the Governor that the House was in session returned to the House and reported they had conveyed the message to the Governor and that the Governor sent his greetings and best wishes for a productive session. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate that the House was in session returned to the House and reported that they had conveyed the message to the Senate, and the Senate returned its best wishes for a productive session. The committee was thanked and discharged by the Speaker.

At this time, Senators acting as a committee from the Senate, were escorted into the House Chamber to notify the House of Representatives that the Senate was organized and ready for business. The Speaker thanked the committee.

Mr. Moyle asked unanimous consent that a committee be appointed to wait upon the Senate and escort the Senators to the House Chamber for the purpose of attending the Joint Session. There being no objection, it was so ordered.

The Speaker appointed Representatives Loertscher, Bateman, and Chew as the committee to wait upon the Senate. The committee was excused.

The committee appointed to wait upon the Senate returned and reported that the Senate was waiting to enter the House Chambers. The Speaker thanked and discharged the committee.

JOINT SESSION

Pursuant to **HCR 1**, the hour of 1 p.m. having arrived, the members of the Senate entered the House Chamber and met in Joint Session with Speaker the Speaker presiding.

Roll call of the House showed all 70 members present.

Roll call of the Senate showed all 35 members present.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

Prayer was offered by Chaplain Tom Dougherty.

Mr. Moyle asked unanimous consent that one committee be appointed to wait upon the Supreme Court Justices and Appellate Court Judges and one to wait upon the Elected Officials and escort them to the House Chamber. There being no objection, it was so ordered.

The Speaker appointed Senators Lodge and Bock and Representatives Wills and Burgoyne as the committee to wait upon the Supreme Court Justices and Appellate Court Judges and Senators Fulcher and Werk and Representatives Gibbs and Smith as the committee to wait upon the Elected Officials and escort them to the House Chamber. The committees were excused.

Mr. Moyle asked unanimous consent that the Speaker appoint a committee to wait upon the Governor and escort him to the House Chamber. There being no objection, it was so ordered.

The Speaker appointed Senators Davis and Stennett and Representatives Moyle and Rusche as the committee to wait upon the Governor and escort him to the House Chamber. The committee was excused.

The committee appointed by the Speaker escorted the Supreme Court Justices and the Appellate Court Judges to the House Chamber where they were presented to the Joint Session.

The committee appointed by the Speaker escorted the Elected Officials to the House Chamber where they were presented to the Joint Session.

The committee appointed by the Speaker escorted the Governor to the House Chamber.

His Excellency, the Governor of the State of Idaho, C.L. "Butch" Otter, was introduced by the Speaker and the following **State of the State Message and Budget Address** was delivered by Governor Otter.

* * * * *

Mr. Speaker, Mr. President, Honorable Justices, my fellow constitutional officers, distinguished legislators and members of my Cabinet, honored guests, friends, my family and our First Lady my fellow Idahoans.

Thank you for inviting me to provide my perspective on where the past year has taken us and where we should go from here.

Before I begin, please join me in paying tribute to Colonel Jerry Russell, who's retiring as Idaho State Police director after a distinguished career in law enforcement; and also to Donna Jones, our dear friend and former legislator who stepped down as State

Controller to focus on recovering from a terrible car accident in 2012.

They have my sincere thanks and deep regard for their years of dedicated service to the people of Idaho.

I also want to congratulate all the members of this 62nd Idaho Legislature on your election. Thank you for your public service. It's an honorable pursuit, and I appreciate your willingness to take it on.

My congratulations as well to the Legislature's newly elected leadership teams - House and Senate, Republican and Democrat. Thank you for stepping up to the challenge of constructively channeling the civic virtue within your respective caucuses into public policy that reflects the will of your constituents, the directives of our Constitution, and the better angels of your own conscience.

As many of you know, March 4th of this year - 2013 - marks the 150th anniversary of Idaho officially becoming a U.S. territory.

President Abraham Lincoln signed the act of Congress just two months after issuing the Emancipation Proclamation, and eight months before speaking some of the most cherished and timeless words in American history at the site where thousands of Americans lost their lives in battle - Gettysburg.

I'm sure many of you also know that the new Idaho Territory was created by carving out areas from other newly formed jurisdictions.

That made for a geographic hybrid, and in a wartime wilderness Idaho was left to create its own identity and its own way forward.

It was the birth of Idaho's fierce independence and steadfast commitment to individual liberty that remain defining qualities of our state and our people.

Now most of us live in relative comfort and plenty - the frontier tamed, the desert abloom, our state and the world seemingly filled with marvels our pioneer forefathers never imagined. But the search for our own identity and way forward continues.

Idaho is a work in progress, and what's past is prologue.

No less today than in 1863 - and in many ways more than ever - WE citizens of Idaho have the opportunity and indeed the obligation to chart a path forward reflecting our independence, our self-reliance and our love of liberty.

We are the products of the "new birth of freedom" that Lincoln proclaimed at Gettysburg.

Today I'd like to talk with you about how we use that freedom to advance our shared goals and values.

That involves thinking about public policy and the proper role of government in terms of the next generation - not just the next election - in order to build a more responsible, sustainable and inclusive future.

We all want an Idaho where government wisely uses the people's resources to provide the public services and infrastructure needed for our citizens' safety, health and security.

We all want an Idaho where government encourages the creation of career opportunities and ensures citizens can prepare for those careers right here at home.

We all want an Idaho where government works fairly and effectively to improve public efficiency, transparency and what the Founders called the "general welfare" of the people.

We all want an Idaho where government promotes and protects equal justice under law while carefully, consistently and fiercely safeguarding individual and private property rights guaranteed by the Constitution.

And as other institutions, states and nations struggle and often fail to find fiscal balance, we all understand that our responsibilities must be met within the people's means.

I hope you share my commitment to ensuring that our State government never grows as fast as our economy and the people's ability to pay for it.

So with that as a starting point, I am submitting a budget recommendation today calling for a 3.1-percent increase in General Fund spending. That reflects slow but steady growth in our economy - an estimated 5.3-percent revenue increase for fiscal year 2014.

It also reflects great uncertainty due to irresponsible federal leadership, and our continuing need for caution and prudence in the collection and expenditure of the people's hard-earned dollars.

But I am pleased to report that I've done as promised and brought you a General Fund budget recommendation that is structurally sound, with no one-time revenue used for ongoing financial obligations.

Like you, my highest priority remains public schools. You will find that my budget recommendation includes increased funding for K-12 education.

However, I do NOT seek to simply revisit issues related to school improvement that were raised in the recent election. Instead, I've asked the State Board of Education to assemble a broad cross-section of stakeholders to study the message voters sent us and identify elements of school improvement on which there is broad agreement.

I'm convinced that acting too quickly or without due deliberation will generate needless distraction from our goals of improving efficiency, effectiveness, transparency and accountability in our education system.

There was no electoral mandate for the changes we proposed on November 6th. But I also heard no clarion call for the status quo.

What I heard was dissatisfaction with the process and a plea for more collaborative leadership. We must respond with appropriate sensitivity and care.

Let me say it again: I am neither calling for nor expecting major school improvement measures this year. But I believe there are areas in which we can make progress, and I encourage you and all citizens to engage in that public discussion. It's our very best chance to strengthen the foundation of our future.

Likewise, it is with our future in mind that my budget recommendation for fiscal 2014 builds on the great work you have already done in starting to refill our rainy day accounts. As you know, we are putting a total of almost \$71 million in the Budget and Public Education stabilization funds by the end of this fiscal year.

For next year I'm calling for that effort to continue as a hedge against national and global economic and fiscal uncertainty.

The Great Recession showed us beyond any doubt the value of maintaining a healthy financial reserve. As much as any other factor, it set Idaho apart from most other states in response to tough times.

We must exercise foresight and frugality while working to sustain and grow our economy. Building up our rainy day funds provides the kind of budget stability that Idaho taxpayers need and expect.

Budget stability and fiscal responsibility also are key parts of our State efforts to promote economic development and job creation. They are essential to enabling existing businesses to grow and new enterprises to make their home here, as well as advancing the kinds of public-private partnerships that will be an increasing part of America's 21st century social dynamic.

Neither government nor business alone can provide all the ingredients necessary for progress. We must leverage our limited resources toward realizing unlimited opportunities together.

That's the idea behind IGEM - the Idaho Global Entrepreneurial Mission, which you created last year. You will hear much more about its work as the IGEM Council reports to the germane House and Senate committees.

But I can tell you that never before have our three research universities worked together more collaboratively or been more committed to finding common ground and mutual benefit with our business leaders.

Together with the Idaho National Laboratory and the Center for Advanced Energy Studies - and given time and our sustained support - they will nurture a rising tide of economic activity that will lift all our boats.

Meanwhile, Commerce Director Jeff Sayer, Labor Director Roger Madsen and the State Board of Education, our universities and our community colleges are preparing our workforce, encouraging our employers and putting the right policies and programs in place for a more prosperous Idaho.

At North Idaho College, new President Joe Dunlap is using a \$3 million federal grant to create an aerospace center in Coeur d'Alene to meet the workforce demands of a growing industry in the Panhandle. It's a watershed event for the region. Such employers as Empire Aerospace, Tamarack Aerospace and Quest Aircraft are building a critical mass of manufacturing, service and support operations.

Growing a highly skilled northern Idaho workforce will help advance that process.

At the College of Western Idaho, President Bert Glandon is working with the Idaho Technology Council on developing an industry certified software developer program to help address a chronic shortage of qualified workers for the growing technology sector here in the Treasure Valley.

CWI also recently opened an impressive Professional Technical Education center in Nampa to help meet rapidly expanding employer and student needs.

And at the College of Southern Idaho, new and growing businesses like Chobani and Glanbia have President Jerry Beck working to accommodate the workforce needs of the Magic Valley's rapidly expanding value-added industry by building an \$8.5 million Applied Technology and Innovation Center.

I would be remiss today if I failed to extend my gratitude to the J.A. and Kathryn Albertson Foundation for its continued generous financial support of Idaho education.

It most recently granted \$5 million to the University of Idaho and Northwest Nazarene University to establish technology learning and innovation centers for teachers.

That's a godsend for our efforts to improve and expand technology in Idaho classrooms, and I'm confident it will result in development of more educators like Katie Pemberton of Canfield Middle School in Coeur d'Alene.

Many of you know that Katie is our 2013 Idaho Teacher of the Year, and she's earned that recognition in part by making technology a cornerstone of her math classes at Canfield.

Such responsive, forward-looking people and programs are helping lift our statewide economic activity to almost \$58 billion a year. That's up from about \$51.5 billion just a few years ago. And that puts achievement of my Project 60 economic development goal well within reach, and soon.

But \$60 billion a year isn't a finish line; it's only a benchmark.

Let me tell you just how committed many of our Idaho entrepreneurs are to seeing that milestone in the rearview mirror.

Doug Sayer of Premier Technology in Blackfoot recently made a simple but profound change in the way he does business - shifting to Idaho suppliers for a greater share of everything he buys for his company's operations. And he did it without sacrificing quality or profitability.

Now he's challenging other Idaho business leaders to join him in that endeavor.

Doug is working with the Idaho Association of Commerce and Industry and other organizations to spread the word, and I've agreed to help by issuing a challenge of my own to Idaho businesses: Make it a priority to invest here at home. Join Premier Technology and others in devoting a greater percentage of your supply-chain purchases to Idaho vendors.

That step alone can help ensure we're providing Idaho enterprises with every possible chance for success, and creating more Idaho jobs in the process.

This goes well beyond the Buy Idaho organization that's still flourishing more than 25 years after I helped start it. And it's especially gratifying to see a grassroots initiative from our responsible and engaged corporate citizens and employers.

My thanks to them for advancing this proposal, and for working to see that its promise is realized.

There's another investment that Idaho taxpayers are making in job creation.

It's called the Hire One Act, which you approved at my request in 2011.

We'll soon see how many employers took advantage of the income tax credit it provides for creating new jobs as those businesses start filing their 2012 tax returns.

But a number of companies already have told us that the terms and conditions of qualifying for that incentive are

too complex and onerous to be the useful tool we'd hoped in economic development.

So I'm bringing you legislation this year to address those concerns and reflect our changing conditions and needs. It simplifies, clarifies and streamlines the law so that our local and state economic development experts can maximize its potential for growing our workforce and our tax base.

In addition, my new Hire One More Employee or HOME Act recognizes the special needs and our special responsibility to veterans - including the brave men and women returning home from the Global War on Terror, whose unemployment rate is much higher than the overall percentage of jobless Americans.

That's a national disgrace, and our State agencies are working together to focus public attention and address the problem through the Hire One Hero program.

My new legislation is intended to provide one more reason for employers to consider veterans, besides their skills, training and work ethic. Beyond a 4-percent income tax credit for each new employee they hire, it also would add \$1,000 to the employer's tax credit for each of those new employees who also are veterans.

Tragically, some of our Idaho heroes don't come home. In 2012, we lost:

Lance Corporal Kenneth Cochran of rural Canyon County

Sergeant Daniel J. Brown of Twin Falls

Specialist Chris Workman of Rupert

Specialist Cody Moosman of Preston

Specialist Ethan Martin of Bonners Ferry, and

Private First Class Shane Wilson of Kuna

And yes, we still await the release from Taliban custody and pray for the homecoming of Bowe Bergdahl. Please join me in honoring the valor and sacrifice of these Idaho war fighters, and in reaffirming our own commitment to protecting and defending the American and Idaho way of life.

For those Idaho veterans now returning to civilian life, even our difficult job market is substantially better than it was a year ago.

Our unemployment rate has fallen more than 20 percent in the past 17 months.

And while growth has been limited, our economy IS recovering from the loss of more than 50,000 jobs during the Great Recession.

One significant sign of recovery is Idaho's first reduction in unemployment insurance rates in several years. It will result in about \$50 million in savings to Idaho employers in 2013 alone.

That will give those businesses more flexibility to invest in capital improvements, expansion, and we hope even more job creation.

Career and economic growth opportunities are also at the heart of the work being done by my Leadership in Nuclear Energy or LINE Commission.

Contrary to what you might see in the news, its work is not about making Idaho the nation's nuclear dumping ground.

Rather, it's focused on assessing our long-term options for securing, enhancing and leveraging work being done at the Idaho National Laboratory and the Center for Advanced Energy Studies.

To do otherwise ignores the existing impact and the enormous untapped potential of those operations and their private-sector spinoffs - not just in eastern Idaho, but throughout our state and the entire region.

I am as committed as ever to enforcing the terms of our 1995 agreement with the federal government to get all nuclear waste out of Idaho by 2035.

But the Yucca Mountain facility in Nevada may never open, leaving fulfillment of the agreement at the mercy of the feds' failure to secure a permanent waste repository. That leaves the matter of preparing for an uncertain future to us.

A 30-day public comment period on the seven key questions raised by the LINE Commission ended last Friday. A final report will be submitted to me by January 31.

Mr. Speaker, Mr. Pro Tem, I encourage you to add hearings on that report to your busy legislative agenda in order to broaden and advance the discussion.

Of course, your agenda already includes discussions on eliminating the personal property tax - which nearly everyone agrees is an unfair drag on our economy.

I believe we now have consensus that accomplishing that should be a priority for this legislative session. The question is how.

As you know, personal property tax receipts are a significant part of how some of our counties pay for public services. Whether the tax is eliminated all at once or phased out over a few years is less important to me than an exit strategy that considers our counties' financial stability.

That isn't necessarily about using State revenues to make counties "whole." In fact, my preference is granting local-option taxing authority that enables county voters to decide for themselves how to address their most pressing needs. However, I also have set aside \$20 million in my budget for easing counties' transition. I look forward to hearing your debate and considering your alternatives.

Like our counties, our State has the right and we certainly have the responsibility to keep as many options as possible open to the people.

That's part of the dynamic behind my recent decision to pursue a state-based health insurance exchange rather than defaulting to total federal control of that process.

Rejecting the opportunity to assert ourselves will result in an unresponsive, one-size-fits-all federal exchange wreaking havoc on some of America's most reasonable costs of coverage.

At its core, this is a matter of state's rights.

You all know how I feel about Obamacare. I will continue encouraging and supporting efforts by our Idaho congressional delegation and many others to repeal and replace the law. But the fact remains that for now and for the foreseeable future it is the law.

And as responsible elected officials we're sworn to uphold the rule of law - not just those laws that we support.

So I urge you to look beyond the important work of changing a misguided federal law to the essential task at hand for those of us in this chamber today - preserving for Idaho citizens the option of having a voice in how one element of that law is implemented.

I soon will be introducing legislation affirming my decision.

My door is open to discussing the challenges and our shared frustrations, and Department of Insurance Director Bill Deal is ready to answer your questions and explain the process. I'm grateful to Bill and the working group that he led on this issue, including Senator John Goedde, Representative John Rusche and Representative Lynn Luker.

The other Obamacare provision I want to address briefly today is Medicaid.

As you know, the U.S. Supreme Court exempted states from the mandate to expand Medicaid eligibility to more low-income adults. But that leaves us with both a question and an opportunity: What will federal Medicaid changes mean for our own Catastrophic Health Care or "Cat" fund, and is there a better way forward for Idaho?

Health and Welfare Director Dick Armstrong led a Medicaid working group I assembled last summer that included Representative Fred Wood, Senator Patti Anne Lodge and Senator Dan Schmidt. They did a great job of analyzing this sensitive issue and developing a thoughtful recommendation.

It sets some specific and significant conditions on expanding coverage for the working poor in Idaho. They include a greater focus on personal accountability and steps for encouraging preventive measures and healthy behaviors.

In addition, the working group called for basing incentives for Medicaid reimbursements not on the number of patients a provider sees but rather on how successfully they keep people healthy.

As you'll hear in a moment, we have some pretty good ideas about that kind of managed care model. But there's a lot more work to do, and we face no immediate federal deadline. We have time to do this right, and there is broad agreement that the existing Medicaid program is broken. So I'm seeking no expansion of those benefits.

Instead, I'm asking Director Armstrong to lead an effort to flesh out a plan for changing Idaho's system with an eye toward the potential costs, savings and economic impact. I hope to return in 2014 with specific proposals based on that work, and I encourage all Idahoans to get involved with this process.

Now, putting aside our federal challenges, I'd like to update you on what the State of Idaho is doing to help achieve our own goal of more affordable, accessible health care for all our citizens.

First, here are some scary numbers: Idaho has the sixth-oldest physician workforce in America, and we rank 49th in the nation for doctors per capita.

That's a formula for trouble unless we step up our efforts to get beyond the 20 medical school seats available for Idaho students each year. It's the same number available to us since 1972, when Idaho's population was less than half the 1.5 million people we have today.

You will find in my budget recommendation two proposals for improvement.

One would fund rural rotation training for each of the 24 participants in the Internal Medicine Residency program at the Boise VA Medical Center. The federal government pays for student costs in other aspects of the program, but not rural rotations.

We know that internal medicine residency graduates are twice as likely to practice primary care if they have a rural training experience.

In fact, a recent national study found that rural training is the only kind of residency program that increases the number of new physicians entering the primary care field.

Besides giving us a better chance of keeping these doctors in Idaho after their residency, the rural training itself provides direct care to more than 25,000 Idaho citizens - including 1,500 Idaho National Guard members who returned from deployment a little over a year ago.

My second budget recommendation calls for funding five additional seats in the WWAMI collaborative medical school program at the University of Washington. Those extra seats would go to students in the Targeted Rural and Under-Served Track or TRUST program, designed to turn more Idaho students into Idaho physicians.

Like the rest of my budget, both these requests deserve your strong support.

Before I leave the topic of health care, let me tell you a little about a program for which there is no General Fund request but which could have a major impact on how we administer Medicaid in the years to come. It's called the Idaho Medical Home Collaborative, and it was established by my executive order in September 2010 to implement a patient-centered model of care.

That involves improving accountability by building personal relationships between medical home physicians and their patients - a new approach to the old-fashioned idea of making health care decisions a more personal process.

Starting this month, 23 organizations will participate in a pilot program involving 290,000 patients. It will test medical home theory in urban and rural areas and in medical practices large and small.

All three of Idaho's private health insurers are participating, as well as Medicaid. I look forward to watching the progress of our Medical Home Collaborative in improving care and holding down costs for Idaho patients.

There is another population of Idahoans for whom "care" is a matter of public safety.

We all saw just a few weeks ago the terrible impact on a community and a nation when mental illness leads to tragedy.

Cost is just one of the enormous barriers to effectively addressing the challenges of protecting the public from those whose illness leads them to commit unspeakable acts. Those challenges deserve our earnest discussion. But we also must act where and how we can to reduce the risk.

More than a quarter of the inmates in our State prison system have some level of mental illness.

Many can be housed safely within appropriate settings in our existing facilities. But others need higher levels of care, more treatment and more intensive intervention for their own safety and that of others. That's why I support the Department of Correction's request for permission to issue \$70 million in bonds for a 579-bed secure mental health facility at the prison complex south of Boise.

Correction Director Reinke has discussed this proposal with some of you. Now he stands ready to make his case for reauthorizing the previous request you approved - which would have built a smaller facility at the same cost.

No one likes spending money on prisons or inmates. But public safety is increasingly compromised by our inability to provide secure housing and appropriate treatment for mentally ill offenders.

So I appreciate your careful and considered attention to helping us avoid more costly measures being imposed by federal courts.

We're all painfully aware of the damage that federal court rulings can do to our traditional industries and our Idaho lifestyle. We need look no further than the Endangered Species Act to see the essential conflict between federal and state priorities - especially when it comes to our natural resources.

Even putting aside wolves and grizzly bears, there's no doubt that the threat of federal edicts on sage-grouse, slickspot peppergrass, woodland caribou and other species have a profound impact not only on public policy here in Idaho but also on how our farmers, ranchers and others can pursue their livelihoods.

We are working proactively to avoid worst-case scenarios and to assert our rights as a state.

However, this past year we reaped the whirlwind sown by federal neglect and mismanagement of our public lands.

Wildfire suppression costs alone approached a quarter-billion dollars - not counting huge impacts on the environment, public health, property, and the unrealized benefits of healthy, actively managed forests and rangeland.

Then there was Anne Veseth, a 20-year-old Lewis-Clark State College student from Moscow.

Ann was killed in August while working as a seasonal firefighter for the U.S. Forest Service in Clearwater County.

We owe her and thousands like her a fighting chance while protecting our forests and rangelands. That's why my budget includes a \$400,000 request to help create four more volunteer fire protection associations like the one formed by Mountain Home-area ranchers last summer.

Nonprofit groups like theirs can assist the BLM, Idaho Department of Lands and rural fire districts in fighting and maybe even preventing catastrophic wildfires on the nearly two-thirds of Idaho land "managed" by the federal government.

Another example of our Idaho preference for actively managing our precious natural resources is the newly revised State Water Plan being submitted for your approval this session.

It's the first update since 1996, and it reflects use of the latest technology in better evaluating our needs and the status of our water supplies.

Just as importantly, for the first time the plan is about more than our goals - it also includes strategies and milestones

for executing our management policies and evaluating their effectiveness.

It goes to the very heart of the data-driven policy making I've been promoting throughout my administration.

My thanks to Water Resources Director Gary Spackman and members of the Water Resource Board, the water-user community and the public at large for participating in this important work. It will help guide how we use, protect and replenish our water supplies for a more sustainable future.

Of course, our best chance for sustaining our Idaho way of life is an engaged public.

During the past year I've conducted Capital for a Day in communities throughout Idaho, from Nordman to Victor and Ashton to Fruitland. I've met with hundreds of individual citizens of every age, education, occupation and political view - including many legislators, and I thank you for participating in those open community forums.

What all of the people I've met at Capital for a Day have in common - and what they share with those of us in this chamber - are civic virtue and a deep commitment to retaining and building on what is great about Idaho.

That greatness plays out not only in what makes the headlines or the evening news, and certainly not only in what we do here, but more fundamentally in what our people do in their own lives and communities.

I was proud to note that Idaho recently was ranked as second only to our neighbor Utah for the rate at which our citizens volunteer to uplift and improve the lives of others. More than a third of us gave of ourselves in 2011, and we as a state contributed an estimated \$1.4 billion worth of service.

I'm confident that level of personal philanthropy continued and even grew in 2012, and that we'll keep paying it forward in 2013 and beyond - because volunteering and taking care of our own is in our DNA. It's who we are. It's who you are, and I'm proud to join you in pressing ahead toward an ever-brighter and more hopeful future for us all.

Thank you for your time and attention. I wish you all the best in your work here, and may God continue to bless Idaho and the United States of America.

* * * * *

The Speaker thanked Governor Otter.

The committee appointed to wait upon the Governor came forward and escorted him from the House Chamber and was, on its return, thanked and discharged by the Speaker.

The committee appointed to wait upon the Supreme Court Justices and the Appellate Court Judges came forward and escorted them from the House Chamber and was, on its return, thanked and discharged by the Speaker.

The committee appointed to wait upon the Elected Officials came forward and escorted them from the House Chamber and was, on its return, thanked and discharged by the Speaker.

Mr. Moyle moved that the Governor's State of the State Message and Budget Address be printed in both the House and Senate Journals. Seconded by Mr. Rusche.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and ordered the Governor's State of the State Message and Budget Address printed in both the House and Senate Journals.

Mr. Moyle moved that the Joint Session be dissolved. Seconded by Mr. Rusche. Motion carried.

The Senate returned to its Chamber.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 8, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 8, 2013

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Boyle, Denney, Eskridge. Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Rebekah Ritthaler,
Page.

Approval of Journal

January 8, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the First Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 8, 2013

Mr. Speaker:

I return herewith [HCR 1](#) which has passed the Senate.

NOVAK, Secretary

[HCR 1](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

January 8, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 1](#).

WILLS, Chairman

[HR 1](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during

the First Regular Session of the Sixty-second Idaho Legislature. Seconded by Mr. Rusche.

| | |
|----------------------------------|--------------------|
| Chief Clerk of the House | Bonnie Alexander |
| Chaplain | Tom Dougherty |
| Minority Secretary | Cathy Downs |
| Chief Fiscal Officer | Terri Franks-Smith |
| Sergeant at Arms | Claudia Howell |
| Minority Chief of Staff | Jennifer Martinez |
| Journal Clerk | Carrie Maulin |
| Floor Doorkeeper | Gary McCalmant |
| Assistant to the Speaker | MaryLou Molitor |
| Minority Secretary | Shelby Scott |
| Assistant Sergeant at Arms | Robert Stewart |
| Assistant Chief Clerk | Chris Taylor |
| Secretarial Supervisor | Susan Werlinger |
| Majority Pool Secretary | Jackie Wright |

Committee Secretaries:

| | |
|--|-------------------|
| Business | Catherine Costner |
| Agricultural Affairs | Kim Jensen-Porter |
| Transportation & Defense | Leah Kent |
| Health & Welfare | Irene Moore |
| Judiciary, Rules, & Administration | Stephanie Nemore |
| State Affairs | Kasey Perkins |
| Revenue & Taxation | Kathleen Simko |
| Commerce & Human Resources | Mary Tipps |
| Local Government | Mary Tipps |
| Environment, Energy, & Technology | Jean Vance |
| Education | Lynn Walker |
| Ways & Means | Susan Werlinger |
| Resources & Conservation | Rosee Winder |
| Appropriations | Kathryn Yost |

Pages:

| | |
|-------------------|-----------------|
| Alba Cano | Shannon Cooper |
| Weston Durland | Juritz Enriquez |
| Rebecca Failing | Brady Gaschler |
| Bronson Gray | Tasi Lloyd |
| Travis Mapes | Jacob Palmer |
| Rebekah Ritthaler | |

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

The following committee assignments were made:

Attache Committee

Representative Bell, Chairman
Representative Luker
Representative Dayley

Memorial Committee

Representative Gibbs, Chairman
Representative Batt
Representative Woodings

Lincoln Day Committee

Representative Hartgen, Chairman
Representative Packer
Representative Ward-Engelking

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:15 a.m., Wednesday, January 9, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:15 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 9, 2013**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Gannon, Malek. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bronson Gray, Page.

Approval of Journal

January 9, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate OFFICE OF THE GOVERNOR Boise

January 7, 2013

The Honorable Scott Bedke
Speaker of the House

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2012 and 2013.

Balance as of July 1, 2011 \$83,744.48

No activity in fiscal year 2012

Balance as of June 30, 2012 \$83,744.48

No activity year-to-date in fiscal
year 2013

Balance as of December 31, 2012 \$83,744.48

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Chief Clerk.

Report of Standing Committees

January 9, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 1](#).
WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 1](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HR 1](#), by Moyle and Rusche, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

Representative Eric Anderson was appointed to the Resources and Conservation Committee.

RESOURCES AND CONSERVATION (18)

Denney, Chairman
Gibbs, Vice Chairman

Wood(35)
Barrett
Moyle
Eskridge
Raybould
Andrus
Shepherd
Wood(27)
Boyle
Vander Woude
Gestrin
Miller
Anderson(1)

Pence
Erpelding
Ward-Engelking

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 10, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:23 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 10, 2013

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Anderson(01), Vander Woude.
Total – 2

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Shannon Cooper, Page.

Approval of Journal

January 10, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

HR 1 - HOUSE ATTACHES - COMPENSATION

HR 1 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall HR 1 be adopted?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Anderson(01), Henderson, Nielsen, Vander Woude. Total – 4.

Total – 70.

Whereupon the Speaker declared HR 1 adopted and ordered the resolution filed in the office of the Chief Clerk.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 11, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:13 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 11, 2013**

House of Representatives

The House convened at 8 a.m., Mr. Moyle in the Chair.

Roll call showed 58 members present.

Absent and excused – Anderson(01), Andrus, Bateman, Hancey, Loertscher, Monks, Palmer, Rusche, Ward-Engelking, Wood(27), Wood(35), Mr. Speaker. Total – 12.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Tasi Lloyd, Page.

Approval of Journal

January 11, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 10, 2013

Mr. Speaker:

I return herewith enrolled [HCR 1](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [HCR 1](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 1

BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION

AND PROVIDING DIFFERENT APPLICATION TO CERTAIN REFUND CLAIMS.

[H 1](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Crane moved that the House adjourn until 11 a.m., Monday, January 14, 2013. Seconded by Ms. Pence. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 8:12 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**EIGHTH LEGISLATIVE DAY
MONDAY, JANUARY 14, 2013**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Andrus, Barbieri, Holtzclaw, Smith.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Juritzi Enriquez, Page.

Approval of Journal

January 14, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 14, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 1](#).

WILLS, Chairman

[H 1](#) was ordered held at the Desk.

January 14, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 1](#) to the Secretary of State at 8:31 a.m., as of this date, January 11, 2013.

WILLS, Chairman

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 15, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:07 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 15, 2013**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Shepherd. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Alba Cano, Page.

Approval of Journal

January 15, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

[**H 1**](#), held at the Desk January 14, 2013, was referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 16, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:08 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 16, 2013

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Malek, Nielsen. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Tasi Lloyd, Page.

Approval of Journal

January 16, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 16, 2013

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 1](#) and recommend that it do pass.

COLLINS, Chairman

[H 1](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 2 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3022R, IDAHO CODE, TO ALLOW A DEDUCTION FOR CERTAIN RECOVERY AMOUNTS INCLUDED IN FEDERAL INCOME IF NO BENEFIT WAS PREVIOUSLY ALLOWED FOR IDAHO INCOME

TAX PURPOSES; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 3 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3077F, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY RELEASE CERTAIN TAX INFORMATION IN CASES OF IDENTITY THEFT.

HOUSE BILL NO. 4 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO REVISE CERTAIN ADJUSTMENTS TO TAXABLE INCOME REGARDING STATE AND LOCAL TAXES; AMENDING SECTION 63-3022A, IDAHO CODE, TO PROVIDE THAT DEDUCTIONS APPLY TO WIDOWERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3022B, IDAHO CODE, TO PROVIDE THAT THE RESIDENCE MUST BE THE PRIMARY RESIDENCE AND LOCATED IN THE STATE OF IDAHO; AMENDING SECTION 63-3022J, IDAHO CODE, TO PROVIDE THAT A DEDUCTION FOR TECHNOLOGICAL EQUIPMENT DONATIONS CANNOT EXCEED THE TAXPAYER'S COST OF THE TECHNOLOGICAL EQUIPMENT DONATED NOR REDUCE IDAHO TAXABLE INCOME TO LESS THAN ZERO; AMENDING SECTION 63-3072, IDAHO CODE, TO PROVIDE APPLICATIONS TO AMOUNTS PAID AS BACKUP WITHHOLDING; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 5 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO CIGARETTE AND TOBACCO PRODUCT TAXES; AMENDING SECTION 63-2503, IDAHO CODE, TO CLARIFY PERMITTING REQUIREMENTS FOR PERSONS ACTIVELY ENGAGED IN MAKING WHOLESALE SALES OF CIGARETTES AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 6 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE USE OF FOREIGN LANGUAGES; AMENDING SECTION 73-121, IDAHO CODE, TO PERMIT THE STATE TAX COMMISSION TO USE LANGUAGES OTHER THAN ENGLISH TO INFORM TAXPAYERS OF THEIR OBLIGATIONS UNDER THE TAX LAWS OF THIS STATE AND TO ENCOURAGE OR FACILITATE COMPLIANCE WITH THOSE OBLIGATIONS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 7 BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF FINANCE; AMENDING SECTION 67-2754, IDAHO CODE, TO GRANT THE DIRECTOR OF THE DEPARTMENT OF FINANCE THE

AUTHORITY TO APPROVE A MULTISTATE LICENSING PROGRAM FOR USE BY CERTAIN PERSONS AND TO PROVIDE REQUIREMENTS FOR SUCH PERSONS USING AN APPROVED MULTISTATE LICENSING SYSTEM.

**HOUSE BILL NO. 8
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO COMMERCIAL TRANSACTIONS; AMENDING SECTION 28-41-201, IDAHO CODE, TO CLARIFY WHAT CONSTITUTES ENGAGING IN BUSINESS IN THIS STATE FOR WHICH A CERTAIN LICENSE IS REQUIRED; AMENDING SECTION 28-41-301, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-46-301, IDAHO CODE, TO PROVIDE FOR CERTAIN EXEMPTIONS AND TO REVISE A CODE REFERENCE; AMENDING SECTION 28-46-302, IDAHO CODE, TO PROVIDE CIRCUMSTANCES UNDER WHICH A LICENSE APPLICATION SHALL BE DEEMED WITHDRAWN AND VOID, TO PROVIDE FOR THE AUTOMATIC EXPIRATION OF CERTAIN LICENSES, TO PROVIDE CRITERIA FOR THE REINSTATEMENT OF AN EXPIRED LICENSE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 28-46-404, IDAHO CODE, TO PROVIDE FOR THE AUTOMATIC EXPIRATION OF CERTAIN LICENSES, TO PROVIDE CIRCUMSTANCES UNDER WHICH A LICENSE APPLICATION SHALL BE DEEMED WITHDRAWN AND VOID, TO PROVIDE CRITERIA FOR THE REINSTATEMENT OF AN EXPIRED LICENSE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 28-46-413, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO PAYDAY LOAN BUSINESS PRACTICES; AMENDING SECTION 28-46-508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROHIBITED ACTIONS; AMENDING SECTION 26-2239, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 28-41-107, IDAHO CODE, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-41-108, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 28-44-102, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-44-107, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 28-46-102, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 28-46-402, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 45-1604, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 48-603, IDAHO CODE, TO REVISE A CODE REFERENCE; AND AMENDING SECTION 67-2751, IDAHO CODE, TO REVISE A CODE REFERENCE.

**HOUSE BILL NO. 9
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO LIMITATIONS ON LOANS, INVESTMENTS, AND PRACTICES; AMENDING SECTION 26-705, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION, TO PROVIDE AN ADDITIONAL ITEM THAT DOES NOT CONSTITUTE A LOAN OR EXTENSION OF CREDIT, TO PROVIDE REQUIREMENTS FOR A BANK ENGAGED IN A DERIVATIVE TRANSACTION,

TO REVISE HEADINGS, TO ESTABLISH PROVISIONS RELATING TO EXTENSIONS OF CREDIT AND CREDIT EXPOSURE IN A DERIVATIVE TRANSACTION AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 10
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT; AMENDING SECTION 26-31-102, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-31-103, IDAHO CODE, TO REQUIRE A BACKGROUND INVESTIGATION FOR CERTAIN CONTROL PERSONS; AMENDING SECTION 26-31-201, IDAHO CODE, TO FURTHER DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-202, IDAHO CODE, TO REVISE EXEMPTIONS RELATING TO ATTORNEYS AND ACCOUNTANTS; AMENDING SECTION 26-31-204, IDAHO CODE, TO REVISE THE MEMBERSHIP OF A VOLUNTEER ADVISORY BOARD; AMENDING SECTION 26-31-206, IDAHO CODE, TO REVISE PROVISIONS, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO A LICENSE TO DO BUSINESS AS A MORTGAGE BROKER OR MORTGAGE LENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-207, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE REVOCATION OR SUSPENSION OF CERTAIN LICENSES; AMENDING SECTION 26-31-208, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE MAINTENANCE OF RECORDS AND THE RENEWAL AND REINSTATEMENT OF CERTAIN LICENSES; AMENDING SECTION 26-31-209, IDAHO CODE, TO GRANT THE DIRECTOR OF THE DEPARTMENT OF FINANCE CERTAIN SUBPOENA AUTHORITY; AMENDING SECTION 26-31-211, IDAHO CODE, TO ESTABLISH ADDITIONAL PROHIBITED PRACTICES OF MORTGAGE BROKERS AND MORTGAGE LENDERS; REPEALING SECTION 26-31-212, IDAHO CODE, RELATING TO CONTINUING EDUCATION OF QUALIFIED PERSONS IN CHARGE; AMENDING SECTION 26-31-301, IDAHO CODE, TO PROVIDE A CORRECT CITATION; AMENDING SECTION 26-31-303, IDAHO CODE, TO DEFINE A TERM, TO REVISE A DEFINITION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-31-304, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO LICENSE, REGISTRATION AND EXEMPTIONS AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 26-31-305, IDAHO CODE, TO PROVIDE CRITERIA ESTABLISHING WHEN A LICENSE APPLICATION SHALL BE DEEMED WITHDRAWN AND VOID; AMENDING SECTION 26-31-306, IDAHO CODE, TO REVISE A SHORT TITLE, TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE ISSUANCE OF A LICENSE, TO PROHIBIT THE ASSIGNMENT OR TRANSFER OF CERTAIN LICENSES, TO ESTABLISH PROVISIONS RELATING TO AN INACTIVE LICENSE STATUS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-31-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN QUALIFIED WRITTEN TEST; AMENDING

SECTION 26-31-309, IDAHO CODE, TO REVISE A SHORT TITLE, TO REVISE LICENSE RENEWAL REQUIREMENTS AND TO ESTABLISH REQUIREMENTS RELATING TO LICENSE REINSTATEMENT; AMENDING SECTION 26-31-310, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-31-317, IDAHO CODE, TO PROVIDE ADDITIONAL PROHIBITED ACTS AND PRACTICES; AND AMENDING SECTION 26-31-320, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO UNIQUE IDENTIFIER DISCLOSURE.

HOUSE BILL NO. 11
BY BUSINESS COMMITTEE
AN ACT

RELATING TO CASUALTY INSURANCE CONTRACTS; AMENDING SECTION 41-2507, IDAHO CODE, TO PROVIDE A GROUND FOR AN INSURER TO REFUSE TO RENEW A CERTAIN POLICY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 12
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622FF, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE AND TO PROVIDE A SALES TAX EXEMPTION FOR FOOD PURCHASED WITH BENEFITS PROVIDED UNDER THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; AND AMENDING SECTION 63-3621, IDAHO CODE, TO CLARIFY THAT FOR MEMBERS OF THE MILITARY AND ACCOMPANYING SPOUSES NO USE TAX SHALL APPLY TO CERTAIN ARTICLES ACQUIRED PRIOR TO RECEIPT OF ORDERS TO TRANSFER TO IDAHO.

HOUSE BILL NO. 13
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3627, IDAHO CODE, TO ESTABLISH A DUTY TO ACCOUNT FOR AND PAY OVER ANY USE TAX LIABILITY IMPOSED ON A TAXPAYER IF THAT RESPONSIBLE PARTY EXERCISES CERTAIN CONTROL OVER MANAGEMENT OF THE TAXPAYER.

HOUSE BILL NO. 14
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-205A, IDAHO CODE, TO REVISE THE CALCULATION OF NET OPERATING INCOME OF LOW-INCOME HOUSING FOR PROPERTY TAXATION PURPOSES AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 15
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3607A, IDAHO CODE, TO DEFINE THE TERM "PRIMARY" OR "PRIMARILY" WITH RESPECT TO THE USE OF TANGIBLE PERSONAL PROPERTY FOR SALES AND USE TAX PURPOSES.

[H 2](#), [H 3](#), [H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), [H 9](#), [H 10](#), [H 11](#), [H 12](#), [H 13](#), [H 14](#), and [H 15](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 17, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:16 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 17, 2013**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Loertscher, Malek, Nielsen. Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Weston Durland, Page.

Approval of Journal

January 17, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Tenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 17, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 2](#), [H 3](#), [H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), [H 9](#), [H 10](#), [H 11](#), [H 12](#), [H 13](#), [H 14](#), and [H 15](#).

WILLS, Chairman

[H 2](#), [H 3](#), [H 4](#), [H 5](#), [H 6](#), [H 12](#), [H 13](#), [H 14](#), and [H 15](#) were referred to the Revenue and Taxation Committee.

[H 7](#), [H 8](#), [H 9](#), [H 10](#), and [H 11](#) were referred to the Business Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following person be approved as an attache to serve the House of Representatives for and during the First Regular Session of the Sixty-second Idaho Legislature. Seconded by Mr. Rusche.

Majority Leadership SecretaryKristen Weitz

Whereupon the Speaker declared the motion carried by voice vote and announced the oath of office had previously been administered to Kristen Weitz.

[H 1](#) - INCOME TAXES

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 1](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 1](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Luker, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Gestrin, Loertscher, Malek, Nielsen. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 1](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 1](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Luker, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Loertscher, Malek, Nielsen. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 1](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

**HOUSE BILL NO. 16
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO PRESCRIPTION TRACKING;
AMENDING SECTION 37-2730A, IDAHO CODE, TO
CLARIFY THAT PHARMACISTS AND PRACTITIONERS
MAY SHARE INFORMATION.

HOUSE BILL NO. 17**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO THE BOARD OF PHARMACY;
AMENDING SECTION 37-3201, IDAHO CODE, TO
PROVIDE A CORRECT CODE REFERENCE; AMENDING
SECTION 54-1701, IDAHO CODE, TO REVISE
TERMINOLOGY; AMENDING SECTION 54-1702, IDAHO
CODE, TO REVISE TERMINOLOGY AND TO PROVIDE
FOR PRACTICE INTO THE STATE; AMENDING SECTION
54-1704, IDAHO CODE, TO REVISE A DEFINITION;
AMENDING SECTION 54-1705, IDAHO CODE, TO
REVISE DEFINITIONS; AMENDING SECTION 54-1720,
IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE
PROVISIONS RELATING TO FEES FOR NONRESIDENT
PRACTICE AND TO MAKE TECHNICAL CORRECTIONS;
AMENDING SECTION 54-1721, IDAHO CODE, TO REVISE
TERMINOLOGY AND TO PROVIDE FOR NONRESIDENT
PRACTICE UNDER UNLAWFUL PRACTICE; AMENDING
SECTION 54-1723A, IDAHO CODE, TO REVISE
TERMINOLOGY AND TO REVISE PROVISIONS
RELATING TO REGISTRATION FOR NONRESIDENTS
IN TELEPHARMACY; AMENDING SECTION 54-1726,
IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE
FOR GROUNDS FOR DISCIPLINE FOR NONRESIDENT
LICENSEES AND REGISTRANTS AND TO MAKE
TECHNICAL CORRECTIONS; AMENDING SECTION
54-1728, IDAHO CODE, TO REVISE TERMINOLOGY,
TO PROVIDE FOR PENALTIES AND REINSTATEMENT
FOR NONRESIDENT LICENSEES AND REGISTRANTS
AND TO MAKE TECHNICAL CORRECTIONS;
AMENDING SECTION 54-1729, IDAHO CODE, TO REVISE
TERMINOLOGY, TO PROVIDE FOR NONRESIDENT
FACILITIES REGISTRATION REQUIREMENTS AND
COMPLIANCE STANDARDS AND TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 54-1730,
IDAHO CODE, TO REVISE TERMINOLOGY, TO
REVISE PROVISIONS RELATING TO DRUG OUTLET
APPLICATION AND FEES AND TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 54-1732, IDAHO
CODE, TO PROVIDE A CORRECT CODE REFERENCE
AND TO MAKE A TECHNICAL CORRECTION;
REPEALING SECTION 54-1740, IDAHO CODE, RELATING
TO SHORT TITLE; REPEALING SECTION 54-1741, IDAHO
CODE, RELATING TO LEGISLATIVE DECLARATION;
REPEALING SECTION 54-1742, IDAHO CODE, RELATING
TO THE DEFINITION OF OUT-OF-STATE MAIL SERVICE
PHARMACY; REPEALING SECTION 54-1743, IDAHO
CODE, RELATING TO LICENSE REQUIREMENTS;
REPEALING SECTION 54-1744, IDAHO CODE, RELATING
TO NOTIFICATIONS; REPEALING SECTION 54-1745,
IDAHO CODE, RELATING TO INSPECTIONS; REPEALING
SECTION 54-1746, IDAHO CODE, RELATING TO
PRODUCT SELECTION OF PRESCRIBED DRUGS;
REPEALING SECTION 54-1747, IDAHO CODE, RELATING
TO PATIENT COMMUNICATION; REPEALING SECTION
54-1748, IDAHO CODE, RELATING TO VIOLATIONS
AND PENALTIES; AMENDING SECTION 54-1761,
IDAHO CODE, TO PROVIDE A CORRECT CODE

REFERENCE; AMENDING SECTION 54-4702, IDAHO
CODE, TO PROVIDE A CORRECT CODE REFERENCE;
AND AMENDING SECTION 54-5110, IDAHO CODE, TO
PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 18**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO UNIFORM CONTROLLED
SUBSTANCES; AMENDING SECTION 37-2701, IDAHO
CODE, TO REVISE DEFINITIONS, TO PROVIDE
A CORRECT CODE REFERENCE AND TO MAKE
TECHNICAL CORRECTIONS; AMENDING SECTION
37-2702, IDAHO CODE, TO PROVIDE FOR THE PROCESS
TO EXCEPT FEDERALLY SCHEDULED DRUGS AND
TO MAKE TECHNICAL CORRECTIONS; AMENDING
SECTION 37-2704, IDAHO CODE, TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 37-2705, IDAHO
CODE, TO REVISE THE LISTING OF CONTROLLED
SUBSTANCES AND TO INCORPORATE BY REFERENCE
THE FEDERAL SCHEDULE OF CONTROLLED
SUBSTANCES; AMENDING SECTION 37-2706, IDAHO
CODE, TO MAKE TECHNICAL CORRECTIONS;
AMENDING SECTION 37-2707, IDAHO CODE, TO REVISE
THE LISTING OF CONTROLLED SUBSTANCES AND
TO INCORPORATE BY REFERENCE THE FEDERAL
SCHEDULE OF CONTROLLED SUBSTANCES; AMENDING
SECTION 37-2708, IDAHO CODE, TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 37-2709, IDAHO
CODE, TO REVISE THE LISTING OF CONTROLLED
SUBSTANCES, TO INCORPORATE BY REFERENCE THE
FEDERAL SCHEDULE OF CONTROLLED SUBSTANCES
AND TO MAKE A TECHNICAL CORRECTION;
AMENDING SECTION 37-2710, IDAHO CODE, TO MAKE
TECHNICAL CORRECTIONS; AMENDING SECTION
37-2711, IDAHO CODE, TO REVISE THE LISTING OF
CONTROLLED SUBSTANCES AND TO INCORPORATE
BY REFERENCE THE FEDERAL SCHEDULE OF
CONTROLLED SUBSTANCES; AMENDING SECTION
37-2712, IDAHO CODE, TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 37-2713, IDAHO
CODE, TO REVISE THE LISTING OF CONTROLLED
SUBSTANCES AND TO INCORPORATE BY REFERENCE
THE FEDERAL SCHEDULE OF CONTROLLED
SUBSTANCES; AMENDING SECTION 37-2713A,
IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;
REPEALING SECTION 37-2714, IDAHO CODE, RELATING
TO REPUBLISHING OF SCHEDULES; AMENDING
SECTION 18-1502C, IDAHO CODE, TO PROVIDE
CORRECT CODE REFERENCES; AMENDING SECTION
18-2510, IDAHO CODE, TO PROVIDE A CORRECT CODE
REFERENCE; AMENDING SECTION 37-2732, IDAHO
CODE, TO PROVIDE CORRECT CODE REFERENCES AND
TO MAKE TECHNICAL CORRECTIONS; AMENDING
SECTION 37-2732B, IDAHO CODE, TO PROVIDE A
CORRECT CODE REFERENCE; AMENDING SECTION
37-2732C, IDAHO CODE, TO PROVIDE A CORRECT
CODE REFERENCE AND TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 72-208, IDAHO
CODE, TO PROVIDE A CORRECT CODE REFERENCE;
AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 19**BY TRANSPORTATION AND DEFENSE COMMITTEE**

AN ACT

RELATING TO AIRPORTS; REPEALING SECTION 21-115, IDAHO CODE, RELATING TO STATE DESIGNATION OF AIRPORTS.

HOUSE BILL NO. 20

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO THE TAX ON MOTOR FUELS; AMENDING SECTION 63-2423, IDAHO CODE, TO CLARIFY THAT REFUNDS APPLY TO GASEOUS SPECIAL FUELS; AND AMENDING SECTION 63-2424, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY SELL GASEOUS FUEL PERMITS.

HOUSE BILL NO. 21

BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO MUNICIPAL AIRPORTS; AMENDING SECTION 21-105, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO CERTAIN PREAPPLICATION APPROVAL BY THE IDAHO TRANSPORTATION DEPARTMENT.

HOUSE BILL NO. 22

BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3035, IDAHO CODE, TO REVISE THE REPORTING AND PAYING PERIODS FOR IDAHO INCOME TAX WITHHELD BY CERTAIN EMPLOYERS; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

HOUSE BILL NO. 23

BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE TAXATION OF BEER; AMENDING SECTION 23-1008, IDAHO CODE, TO REMOVE LANGUAGE STATING IT IS THE STATE TAX COMMISSION'S DUTY TO PRESCRIBE RULES REGARDING REPORTING OF THE TAX ON BEER AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 24

BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO SALES TAX REVENUES USED FOR ELECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE HOW THE INCREASE FOR INFLATION WILL BE DISTRIBUTED TO COUNTIES FOR COSTS INCURRED IN ADMINISTERING ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 25

BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY TAX ADMINISTRATION; AMENDING SECTION 63-215, IDAHO CODE, TO REQUIRE THAT FILES INCLUDE CERTAIN CONTACT INFORMATION; AMENDING SECTION 63-317, IDAHO CODE, TO CONFORM THE EXTENDED DATE FOR THE HOMEOWNER'S EXEMPTION FOR OCCUPANCY TAX TO THAT ALLOWED FOR THE HOMEOWNER'S EXEMPTION FROM PROPERTY TAX; AMENDING SECTION 63-509, IDAHO CODE, TO REVISE REQUIREMENTS TO SHOW INCREMENT VALUES OF REVENUE ALLOCATION AREAS AND TO MAKE A TECHNICAL CORRECTION;

AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR APPEALS TO BE MADE TO THE COUNTY BOARD OF EQUALIZATION; AMENDING SECTION 63-706, IDAHO CODE, TO CLARIFY WHEN A CLAIM IS TIMELY IN THE EVENT OF WEEKENDS AND CERTAIN HOLIDAYS; AND AMENDING SECTION 63-810, IDAHO CODE, TO EXTEND THE TIME FOR MAKING CORRECTIONS OF ERRONEOUS PROPERTY TAX LEVIES AND TO MAKE A TECHNICAL CORRECTION.

[H 16](#), [H 17](#), [H 18](#), [H 19](#), [H 20](#), [H 21](#), [H 22](#), [H 23](#), [H 24](#), and [H 25](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 18, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:26 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 18, 2013

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 64 members present.

Absent and excused – Agidius, Anderson(01), Andrus, Malek, Moyle, Raybould. Total – 6.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Brady Gaschler, Page.

Approval of Journal

January 18, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eleventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 18, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 16](#), [H 17](#), [H 18](#), [H 19](#), [H 20](#), [H 21](#), [H 22](#), [H 23](#), [H 24](#), and [H 25](#).

WILLS, Chairman

[H 16](#), [H 17](#), and [H 18](#) were referred to the Health and Welfare Committee.

[H 19](#), [H 20](#), and [H 21](#) were referred to the Transportation and Defense Committee.

[H 22](#), [H 23](#), [H 24](#), and [H 25](#) were referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 26 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5015, IDAHO CODE, TO REVISE A TERM AND TO ESTABLISH PROVISIONS ALLOWING INDIVIDUALS HOLDING EITHER AN HVAC CERTIFICATION OR PLUMBING CERTIFICATION TO INSTALL CERTAIN PIPING.

HOUSE BILL NO. 27 BY BUSINESS COMMITTEE AN ACT

RELATING TO PLUMBERS; AMENDING SECTION 54-2602, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXCEPTIONS REGARDING CERTIFICATES OF COMPETENCY.

HOUSE BILL NO. 28 BY BUSINESS COMMITTEE AN ACT

RELATING TO MANUFACTURED HOME DEALER AND INSTALLER LICENSING; AMENDING SECTION 44-2101, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS, TO REVISE PROVISIONS RELATING TO CERTAIN LICENSE REQUIREMENTS AND TO REVISE PROVISIONS RELATING TO FEES FOR CRIMINAL HISTORY BACKGROUND CHECKS; AMENDING SECTION 44-2101A, IDAHO CODE, TO REMOVE A DEFINITION AND TO REMOVE A TERM; AMENDING SECTION 44-2103, IDAHO CODE, TO REMOVE REFERENCES TO SERVICE COMPANIES; AMENDING SECTION 44-2106, IDAHO CODE, TO REMOVE REFERENCES TO A SERVICE COMPANY; AND AMENDING SECTION 44-2107, IDAHO CODE, TO REMOVE A REFERENCE TO SERVICE COMPANY.

[H 26](#), [H 27](#), and [H 28](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Crane moved that the House adjourn until 11 a.m., Monday, January 21, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:08 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 21, 2013**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Moyle. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Rebecca Failing, Page.

Approval of Journal

January 21, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twelfth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 21, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 26](#), [H 27](#), and [H 28](#).

WILLS, Chairman

[H 26](#), [H 27](#), and [H 28](#) were referred to the Business Committee.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Crane moved that the House adjourn until 11 a.m., Tuesday, January 22, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:13 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 22, 2013

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Bateman, Kloc. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Rebekah Ritthaler, Page.

Approval of Journal

January 22, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 22, 2013

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 2](#), [H 3](#), [H 4](#), [H 5](#), and [H 12](#) and recommend that they do pass.

COLLINS, Chairman

[H 2](#), [H 3](#), [H 4](#), [H 5](#), and [H 12](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE RESOLUTION NO. 2 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE AMENDMENT OF RULE 76 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable that Rule 76 of the Rules of the House of Representatives be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the First Regular Session of the Sixty-second Idaho Legislature, that Rule 76 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 76

Committee on Ethics.— (1) Before the end of the twelfth day of the first regular session of each Legislature, an ethics committee shall be organized and its membership shall be determined. The ethics committee shall consist of five members of the House, three of whom shall be members of the majority party and two of whom shall be members of the minority party. House members holding leadership positions shall not serve on the ethics committee. Committee Chairmen may serve on the ethics committee. Committee members shall not have been previously sanctioned by the House for an ethics violation pursuant to this rule.

(2) The Caucus Chairman of each party shall conduct the election of ethics committee members as follows:

(a) Phase I: At a designated caucus meeting, each Caucus Chairman shall receive from members of their respective caucus a silent ballot nominating to membership on the ethics committee up to three members who have previously served at least one full term. Each caucus chairman and the two elected at-large legislative council members for the caucus shall prepare a ballot of nominees consisting respectively of the five nominees for the majority party and the four nominees for the minority party receiving the most nominating votes.

(b) Phase II: By silent ballot, each member of the majority party shall vote for three and of the minority party for two nominees on their respective ballots. The caucus chairman and the two elected at-large legislative council members for the caucus shall count the votes and prioritize the members from greatest to least number of votes received. The three members of the majority party and the two members of the minority party receiving the highest number of votes shall be members of the ethics committee for the term of the Legislature. Others receiving votes shall serve in order of priority as committee alternates for their respective party.

(c) Committee members may be reelected to a subsequent committee. A vacancy on the committee shall be filled with the highest priority alternate available to the party entitled to fill the vacancy. When no elected alternates are available to fill a vacancy, such vacancy shall be filled by majority vote of the House members of the party entitled to fill the vacancy. Except as otherwise provided in subsection (9) of this rule, a member filling a vacancy shall serve for the remainder of the unexpired term.

(d) The Speaker of the House shall appoint one of the members of the committee as chairman of the committee.

(3) (a) The Speaker chairman of the ethics committee shall receive written, signed complaints from any member concerning misconduct involving legislative duties by a member of the House and such complaint shall be limited to, the alleged use of legislative position for personal gain, benefit or advantage, alleged conduct unbecoming a member of the House or the alleged violation of the Rules of the

~~House of Representatives or the provisions of applicable law of the House.~~

(b) The complaint shall be in writing, signed and contain one or more of the following allegations:

- (i) Conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body;
- (ii) Disclosure of information that is confidential as provided in House rules;
- (iii) Conduct constituting a felony under any state law, or which violates any state law relating to the use of public office for private pecuniary gain;
- (iv) A violation of any state law or House rule relating to conflicts of interest involving legislative duties; or
- (v) A violation of any state law or House rule that brings discredit to the House of Representatives or that constitutes a breach of public trust.

(c) The complaint shall be specific and provide:

- (i) The name of the member of the House of Representatives alleged to be in violation;
- (ii) Reference to the House rule and/or applicable state law supporting the alleged violation;
- (iii) A description of the facts and circumstances supporting each alleged violation; and
- (iv) The evidence the complainant has at the time of making the complaint supporting the facts and violation alleged in the complaint.

(d) Subject to the provisions of this rule, the committee shall review the written complaint. The committee shall dismiss any ethics complaint that:

- (i) Does not comply with this rule; or
- (ii) Alleges violations that occurred either before the accused member was first elected to the House of Representatives or for which an applicable statute of limitation has run.

(e) Written complaints shall remain confidential until such time as an ethics committee, appointed by the Speaker as provided for in this rule, finds probable cause that such member has committed misconduct involving legislative duties as provided in this rule.

~~(2) Whenever such a complaint is received, the Speaker, in a timely fashion, shall appoint a committee on ethics of seven members, consisting of four majority party members, and three minority party members. The majority party members of the committee shall be selected from among the chairmen of committees of reference of the House. The minority party members of the committee shall be selected, after considering recommendations made by the minority leader, from among the members of the House who are senior in service and experience. The Speaker shall designate the chairman and vice chairman of the committee from among its members.~~

(34) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint and evidence submitted supporting the complaint. The person complained against may submit a written answer to the committee. The member complained against shall provide such written answer to the chairman of the committee no later than fourteen days following the date that the copy of the complaint was provided to the member complained against. Following receipt of the answer or if no answer to the complaint is provided to the chairman within the time period provided, the committee shall meet and conduct a preliminary investigation of the complaint. Notwithstanding the provisions of House Rule 57, such meeting shall be held in executive session. At the preliminary investigation, the committee shall determine, based upon the complaint, other relevant information and the

answer to the complaint, whether probable cause exists that the member committed misconduct involving legislative duties as provided in this rule. If, at the conclusion of the preliminary investigation, the committee determines no probable cause exists that misconduct involving legislative duties has occurred, the complaint shall be dismissed and the written complaint shall remain confidential. If, at the conclusion of the preliminary investigation, the committee determines probable cause exists that misconduct involving legislative duties may have occurred, the committee shall so notify the person complained against and the written complaint against the member shall no longer be confidential but shall become a public document.

(45) Following a finding of probable cause and in a timely fashion, the committee shall conduct a public hearing before which the member shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The complainant or authorized agent of the complainant shall first present the complaint and supporting evidence and testimony to the committee. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code, and make inquiry and discover evidence relevant to the allegation. Formal rules of evidence are not applicable; however, evidence shall be weighed according to its reliability, and the accused may raise objection to any evidence. The accused may defer presentation of any defense until all of the evidence has been presented in support of the complaint. The accused shall have a full and fair opportunity to obtain and review all of the evidence in support of the complaint.

(56) If after investigation and hearings held pursuant to this rule, the committee finds by clear and convincing evidence that a violation of the standards contained in this rule occurred, the committee may shall make appropriate recommendations to the House of Representatives based upon the investigations conducted and hearings held pursuant to this rule. In the case of a member of the House By four-fifths vote of the committee, the committee may shall recommend dismissal of the charges, reprimand, censure, or expulsion, provided that a recommendation for expulsion shall only be based upon a finding beyond reasonable doubt that misconduct involves commission of a felony or use of public office for pecuniary gain under subsection (3)(b)(iii) of this rule. The sanction of censure may be with or without conditions or restrictions placed upon the member. The committee shall prepare a report setting forth its findings, recommendation and reasons for such recommendation. The House of Representatives shall vote on the recommendation of the committee, as set forth in the report, during the regular session of the Legislature in which the committee reports. If the committee meets and reports during the interim when the Legislature is not in session, then the House of Representatives shall vote on the committee recommendation during the next regular session of the Legislature. If the committee does not issue a recommendation within thirty days of the conclusion of the public hearing, the complaint shall be deemed dismissed. Expulsion of a House member shall require the affirmative vote of two-thirds of the members elected to the House, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the House. Action of the House pursuant to this rule is final and not subject to court review.

(67) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule. All expenditures incurred pursuant to this subsection (6) shall be approved by the Speaker Chairman and

paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

(78) The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

(89) ~~If the written signed complaint concerns misconduct of the Speaker, then the duties of the Speaker in this rule shall be the duties of the majority floor leader~~ a member of the ethics committee, then that member shall be disqualified and shall not serve on the committee for any purpose relating to such complaint. A vacancy on the committee created as a result of this subsection shall be filled by an alternate in accordance with the provisions of subsection (2)(c) of this rule, except that the fulfillment of any such vacancy shall only be for purposes relating to such complaint.

BE IT FURTHER RESOLVED that, notwithstanding the timing requirement provided in subsection (1) of Rule 76 of this Resolution, within twelve days from passage of this Resolution by the members of the House of Representatives, assembled in the First Regular Session of the Sixty-second Idaho Legislature, an ethics committee shall be organized and members shall be determined consistent with the provisions of this Resolution.

HR 2 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 29
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO JUDICIAL DISTRICTS; AMENDING SECTION 1-804, IDAHO CODE, TO INCREASE THE NUMBER OF JUDGES IN THE THIRD JUDICIAL DISTRICT AND TO INCREASE THE RESIDENT CHAMBERS IN CANYON COUNTY; AMENDING SECTION 1-805, IDAHO CODE, TO INCREASE THE NUMBER OF JUDGES IN THE FOURTH JUDICIAL DISTRICT AND TO INCREASE THE RESIDENT CHAMBERS IN ADA COUNTY; AMENDING SECTION 1-808, IDAHO CODE, TO INCREASE THE NUMBER OF JUDGES IN THE SEVENTH JUDICIAL DISTRICT AND TO PROVIDE ONE RESIDENT CHAMBERS IN JEFFERSON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 30
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO THE ADMINISTRATION OF OATHS AND AFFIRMATIONS; AMENDING CHAPTER 14, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-1406, IDAHO CODE, TO PROVIDE FOR A CERTIFICATION OR DECLARATION UNDER PENALTY OF PERJURY; AND AMENDING SECTION 18-5402, IDAHO CODE, TO FURTHER DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS.

H 29 and **H 30** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 23, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:11 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 23, 2013

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Boyle, Hancey. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bronson Gray, Page.

Approval of Journal

January 23, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 23, 2013

Mr. Speaker:

I transmit herewith [SCR 101](#) which has passed the Senate.

NOVAK, Secretary

[SCR 101](#) was filed for first reading.

Report of Standing Committees

January 23, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 2](#), [H 29](#), and [H 30](#).

WILLS, Chairman

[HR 2](#), [H 29](#), and [H 30](#) were referred to the Judiciary, Rules, and Administration Committee.

January 23, 2013

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 14](#), [H 15](#), [H 22](#), and [H 23](#) and recommend that they do pass.

COLLINS, Chairman

[H 14](#), [H 15](#), [H 22](#), and [H 23](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle asked unanimous consent that, pursuant to House Rule 5, the Speaker be allowed to appoint a member to preside during his absence, January 24th and 25th. There being no objection, it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 2 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND CONGRATULATING MADISON COUNTY AND ITS RESIDENTS FOR THE COUNTY'S CENTENNIAL ANNIVERSARY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the county of Madison was established on February 18, 1913, with the approval and signature of Governor John M. Haines and is celebrating its Centennial Anniversary this year; and

WHEREAS, Madison County was named for President James Madison, the fourth president of the United States, with the county seat located at Rexburg, Idaho; and

WHEREAS, Madison County has historical agricultural significance in the state, having the first irrigation system, as well as being known as the eighth largest potato growing county in the nation. The county is also home to twenty-one Century Farms, those farms officially recognized as having been continuously owned by a single family for one hundred years or more; and

WHEREAS, Madison County graduates a high percentage of not only its high school students but also its university students who attend the second largest university in Idaho, Brigham Young University-Idaho, formerly Ricks College; and

WHEREAS, Madison County is one of the fastest growing counties in the State of Idaho and is known as the business hub of the Upper Snake River Valley; and

WHEREAS, Madison County is recognized as the heart of tourism of the Upper Snake River Valley with visitor attractions including Yellowstone Bear World, Teton Dam Flood Museum, Brigham Young University-Idaho Campus, Idaho's International Dance and Music Festival, the Legacy Flight Museum, Idaho's only restored, authentic wooden carousel, the Idaho Centennial Carousel, and the Rexburg Tabernacle. Madison County is also the home of Green Canyon Hot Springs, the first hot springs discovered in eastern Idaho, a widely known tourist attraction. The hot springs were first visited by white men in 1811. Wilson Price Hunt visited the hot springs while spending time at Fort Henry. The springs issue forth from the base of the Big Hole mountains at a temperature of 115 degrees, with the water containing magnesium, lime and a trace of iron but no sulfur; and

WHEREAS, there are also four protected areas in Madison County offering recreational opportunities, including Caribou-Targhee National Forest, Cartier Slough Wildlife Management Area, Deer Park Wildlife Management Area and the twin Menan Buttes, two of the world's largest volcanic tuff cones; and

WHEREAS, five men with connections to Madison County went on to become governors, including Charles Calvin Moore (ID), Arnold Williams (ID), George Romney (MI), Mark Parkinson (KS) and Mitt Romney (MA). Two men from Madison County went on to become congressmen. They were Sherman

Parkinson Lloyd (UT) and Richard Stallings (ID). In addition, Madison County is also home to one of Idaho's former Lt. Governors, Lt. Governor Mark Ricks.

WHEREAS, the Madison County Centennial Celebration Committee, consisting of nearly fifty volunteers, will kick off the Centennial Celebration on February 18, 2013, one hundred years from the date Madison County was created, with a Ribbon Cutting Ceremony and Photo History Exhibit at the Madison County Courthouse. Other events will include a Centennial Ball and significant community celebrations held in connection with Independence Day events and Madison County Fair events.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby recognize and congratulate Madison County and its residents for Madison County's Centennial Anniversary on February 18, 2013.

**HOUSE CONCURRENT RESOLUTION NO. 3
BY EDUCATION COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE STATE BOARD OF EDUCATION COMMENCE RULEMAKING TO PROVIDE THAT CURSIVE HANDWRITING SHALL BE TAUGHT IN THE PUBLIC ELEMENTARY SCHOOLS OF THIS STATE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature recognizes that handwriting, based upon empirical evidence from neuroscience, plays a major role in the visual recognition and learning of letters; and this is something the State of Idaho should be aware of in an educational context. The State of Idaho recognizes that those who learn to write by hand learn better; and

WHEREAS, there have been studies where cursive handwriting has helped students with their fine motor skills and made them more graceful; these students show more of an interest in art because they are able to form things they hadn't before and they have new muscle movements that they didn't know before; and

WHEREAS, there was an experiment involving two groups of adults in which participants were taught a new, foreign alphabet. One group learned the characters by hand, the other learned only to recognize them on a screen and with a keyboard. Weeks after the experiment, the group that learned the letters by hand consistently scored better on recognition tests than those who learned with a keyboard. Brain scans of the hands-on group also showed greater activity in the part of the brain that controls language comprehension, motor-related processes and speech-associated gestures; and

WHEREAS, the Legislature also recognizes that there are reliable scientific studies that show, for some important aspects of reading and composition, digital technology may not be as important as handwriting; and

WHEREAS, the Legislature also recognizes that if the cursive script is not taught, the time will come when people will not be able to read old diaries, journals, letters, documents and the like written in cursive. This will have a negative effect on the study of genealogy and family history and will weaken society's relationship to its past.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State Board of Education is requested to commence

rulemaking to provide that cursive handwriting shall be taught in the public elementary schools of this state.

BE IT FURTHER RESOLVED that the State Board of Education shall report its progress in its rulemaking pursuant to this Resolution to the Second Regular Session of the Sixty-second Idaho Legislature.

**HOUSE CONCURRENT RESOLUTION NO. 4
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

COMMENDING IDAHO NATIVE KRISTIN ARMSTRONG FOR HER ACCOMPLISHMENTS AT THE 2012 SUMMER OLYMPICS IN LONDON, ENGLAND, AND FOR HER SUPERIOR ATTITUDE, WORK ETHIC, FOCUS AND EXEMPLARY CONDUCT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Kristin Armstrong has been a longtime resident of Idaho and currently resides in Boise; and

WHEREAS, Kristin Armstrong holds a Bachelor of Science degree in sports physiology from the University of Idaho College of Education; and

WHEREAS, Kristin Armstrong is a tireless volunteer who promotes physical fitness and health in numerous community groups and serves as an ambassador to the YMCA of Boise; and

WHEREAS, Kristin Armstrong is a world-class athlete and has climbed to the top of her profession, becoming one of the most accomplished American cyclists of all time in the face of great adversity, winning all of her cycling victories after being diagnosed with osteoarthritis in 2001; and

WHEREAS, prior to the 2012 Summer Olympics, Kristin Armstrong was a two-time USA Cycling National Road Race Champion, three-time USA Cycling National Time Trial Champion, 2006 and 2009 World Time Trial Champion and the Individual Time Trial Gold Medalist of the 2008 Summer Olympics, making her the first Boise resident to win an Olympic Gold Medal; and

WHEREAS, Kristin Armstrong overcame injury and adversity in 2012 to become the Individual Time Trial Gold Medalist of the 2012 Summer Olympics in London, England, earning her second Gold Medal in two Olympics; and

WHEREAS, Kristin Armstrong is respected throughout the world as a fierce competitor but also as a friendly compatriot when the race is over; and

WHEREAS, Kristin Armstrong's performance in the 2012 Summer Olympics has further inspired and renewed an interest in cycling that promotes a healthy lifestyle and enhances the image of Idaho as a state with an active and vibrant outdoor culture; and

WHEREAS, Kristin Armstrong continues to be a positive and inspirational example of sportsmanship for all of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Kristin Armstrong for her Gold Medal winning performance at the 2012 Summer Olympics in London, England, for her superior attitude, work ethic, focus and exemplary conduct and for the pride and inspiration she brings to Idaho and to America.

HCR 2, HCR 3, and HCR 4 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 101, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 31

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-924, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL LIMITED LIABILITY COMPANIES IN DENTAL PRACTICE NAMING STANDARDS AND TO CLARIFY DENTAL PRACTICE OWNERSHIP STANDARDS.

HOUSE BILL NO. 32

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF PSYCHOLOGIST EXAMINERS; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL HAVE THE POWER TO ESTABLISH BY RULE THE STANDARDS AND REQUIREMENTS FOR THE USE OF COMMUNICATION TECHNOLOGY IN THE PRACTICE OF PSYCHOLOGY, INCLUDING SUPERVISION.

HOUSE BILL NO. 33

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE OCCUPATIONAL THERAPY LICENSING BOARD; AMENDING SECTION 54-3705, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A LIMITED PERMIT AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 34

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE SPEECH AND HEARING SERVICES PRACTICE ACT; AMENDING SECTION 54-2909, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A QUORUM OF THE BOARD; AND AMENDING SECTION 54-2912, IDAHO CODE, TO PROVIDE THAT AN APPLICANT FOR LICENSURE SHALL PROVIDE DOCUMENTATION THAT SUCH APPLICANT POSSESSES A DOCTORAL DEGREE WITH EMPHASIS IN AUDIOLOGY AND THAT THE APPLICANT SHALL SUCCESSFULLY COMPLETE A SUPERVISED ACADEMIC CLINICAL PRACTICUM.

HOUSE BILL NO. 35

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS; AMENDING SECTION 54-3204, IDAHO CODE, TO PROVIDE THAT THE BOARD MAY REVIEW THE PRACTICE OF A LICENSED SOCIAL WORKER WHO IS THE SUBJECT OF A CERTAIN COMPLAINT, TO ESTABLISH PROVISIONS RELATING TO SUCH REVIEW AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-3211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD'S AUTHORITY TO REFUSE TO ISSUE A LICENSE, REFUSE TO RENEW A LICENSE OR TO TAKE OTHER DISCIPLINARY ACTION AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 36

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF NURSING HOME ADMINISTRATORS; AMENDING SECTION 54-1612, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE IMPOSITION OF A FINE UPON A LICENSEE BY THE BOARD OF NURSING HOME ADMINISTRATORS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 37

**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE**

AN ACT

RELATING TO THE WOOD AND MILL YARD DEBRIS COMMITTEE; AMENDING SECTION 39-173, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF THE WOOD AND MILL YARD DEBRIS COMMITTEE; AND AMENDING SECTION 39-174, IDAHO CODE, TO PROVIDE FOR MEETINGS OF THE COMMITTEE AND TO PROVIDE A PROCESS FOR SUCH MEETINGS.

HOUSE BILL NO. 38

**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE**

AN ACT

RELATING TO THE COMPREHENSIVE STATE WATER PLAN; RATIFYING AND APPROVING THE COMPREHENSIVE STATE WATER PLAN AS ADOPTED BY THE IDAHO WATER RESOURCE BOARD ON NOVEMBER 28, 2012; TO PROVIDE THAT ALL STATE AGENCIES SHALL EXERCISE THEIR DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE STATE WATER PLAN; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 39

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RECREATIONAL VEHICLES; AMENDING SECTION 49-445, IDAHO CODE, TO PROVIDE THAT INITIAL LICENSE FEES FOR RECREATIONAL VEHICLES SHALL BE PRORATED ON A MONTHLY BASIS FOR NEW OWNERS AND SUBSEQUENT RENEWALS OF ANNUAL LICENSES SHALL REQUIRE ANNUAL FEES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 40

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO CROSS-COUNTRY SKIING; REPEALING SECTION 67-7119, IDAHO CODE, RELATING TO CROSS-COUNTRY SKIING ADVISORY COMMITTEES.

HOUSE BILL NO. 41

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-326, IDAHO CODE, TO CLARIFY WHEN VISUALLY IMPAIRED INDIVIDUALS ARE CONSIDERED COMPETENT TO DRIVE A MOTOR VEHICLE AND TO MAKE TECHNICAL CORRECTIONS.

[H 31](#), [H 32](#), [H 33](#), [H 34](#), [H 35](#), [H 36](#), [H 37](#), [H 38](#), [H 39](#), [H 40](#), and [H 41](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 2](#), [H 3](#), [H 4](#), [H 5](#), and [H 12](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 24, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:14 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 24, 2013

House of Representatives

The House convened at 11 a.m., Mr. Moyle in the Chair.

Roll call showed 66 members present.

Absent and excused – Henderson, Nielsen, Romrell,

Mr. Speaker. Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Shannon Cooper, Page.

Approval of Journal

January 24, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Steven Miller, State Representative, District 26, House Seat A, Camas County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Lee Barron of Corral, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Lee Barron, Acting State Representative, District 26, House Seat A, Camas County, State of Idaho, for a term commencing on January 24, 2013, and continuing until the incumbent shall resume the performance of the duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 22nd day of January, in the year of our Lord two thousand and thirteen and of the

Independence of the United States of America, the two hundred and thirty-seventh year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ BEN T. YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker Pro Tem announced the oath of office had previously been administered to Lee Barron.

Report of Standing Committees

January 24, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 2](#), [HCR 3](#), [HCR 4](#), [H 31](#), [H 32](#), [H 33](#), [H 34](#), [H 35](#), [H 36](#), [H 37](#), [H 38](#), [H 39](#), [H 40](#), and [H 41](#).

WILLS, Chairman

[HCR 2](#) and [H 37](#) were referred to the Environment, Energy, and Technology Committee.

[HCR 3](#) was referred to the Education Committee.

[H 31](#), [H 32](#), [H 33](#), [H 34](#), [H 35](#), and [H 36](#) were referred to the Health and Welfare Committee.

[H 38](#) was referred to the Resources and Conservation Committee.

[H 39](#), [H 40](#), and [H 41](#) were referred to the Transportation and Defense Committee.

[HCR 4](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 42 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO COUNTIES; AMENDING SECTIONS 31-126 AND 31-129, IDAHO CODE, TO REVISE THE BOUNDARY DESCRIPTIONS OF GOODING COUNTY AND JEROME COUNTY; AMENDING SECTIONS 31-134 AND 31-136, IDAHO CODE, TO REVISE THE BOUNDARY DESCRIPTIONS OF LINCOLN COUNTY AND MINIDOKA COUNTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 43 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT

RELATING TO THE ECONOMIC ADVISORY COUNCIL FOR THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-4704, IDAHO CODE, TO CLARIFY THAT MEMBERS OF THE ECONOMIC ADVISORY COUNCIL SERVE AT THE PLEASURE OF THE GOVERNOR AND TO PROVIDE THAT NO MORE THAN FOUR MEMBERS OF

THE ECONOMIC ADVISORY COUNCIL SHALL BE FROM ANY ONE POLITICAL PARTY.

HOUSE BILL NO. 44
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1351B, IDAHO CODE, TO PROHIBIT CERTAIN RELIEF FROM LIABILITY RELATING TO BENEFITS PAID TO A CLAIMANT THAT ARE SUBSEQUENTLY DETERMINED TO BE OVERPAID, TO PROVIDE CONDITIONS, TO CLARIFY WHAT CONSTITUTES A TIMELY RESPONSE, TO PROVIDE FOR EXTENDED TIME LIMITS, TO CLARIFY WHAT CONSTITUTES AN ADEQUATE RESPONSE, TO CLARIFY WHAT CONSTITUTES A PATTERN OF FAILURE TO RESPOND TIMELY AND ADEQUATELY, TO PROVIDE FOR NOTIFICATION OF THE DEPARTMENT OF LABOR'S DETERMINATION AND TO PROVIDE FOR APPEAL; AMENDING SECTION 72-1369, IDAHO CODE, TO PROVIDE FOR THE COLLECTION OF CIVIL PENALTIES, TO PROVIDE FOR THE DEPOSIT OF CIVIL PENALTIES INTO SPECIFIED FUNDS AND TO LIMIT THE COMPROMISE OF CIVIL PENALTIES; AMENDING SECTION 72-1603, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 45
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE, TO DEFINE A TERM, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1220, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY ACTIONS AND PROCEDURES; AMENDING SECTION 54-1221, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REISSUANCE OF LICENSES, TO PROVIDE REQUIREMENTS RELATING TO THE REISSUANCE OF WALL CERTIFICATES AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-1228, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

HOUSE BILL NO. 46
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO FIRE ESCAPES AND DOORS; REPEALING SECTION 39-1901, IDAHO CODE, RELATING TO FIRE ESCAPES PROVIDED FOR CERTAIN STRUCTURES; REPEALING SECTION 39-1902, IDAHO CODE, RELATING TO HOW FIRE ESCAPES ARE ATTACHED; REPEALING SECTION 39-1904, IDAHO CODE, RELATING TO THE PENALTY FOR VIOLATIONS; AND REPEALING SECTION 39-1905, IDAHO CODE, RELATING TO DOORS ON PUBLIC BUILDINGS.

HOUSE BILL NO. 47
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO WATERMASTERS; AMENDING SECTION 42-605, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF

WATER RESOURCES TO APPOINT A SUCCESSOR WATERMASTER UNDER CERTAIN CONDITIONS AND TO PROVIDE A PROCEDURE.

HOUSE BILL NO. 48
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO INJECTION WELLS; AMENDING SECTION 42-3908, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL REQUIRE GOOD AND SUFFICIENT SECURITY AS A CONDITION OF EVERY CLASS II INJECTION WELL PERMIT, TO PROVIDE FOR THE FORM OF SECURITY, TO PROVIDE THE BASIS FOR SECURITY, TO PROVIDE FOR THE AMOUNT OF SECURITY, TO PROVIDE THAT THE SECURITY SHALL BE CONDITIONED UPON CERTAIN PERFORMANCE, TO PROVIDE FOR THE DURATION OF THE SECURITY, TO PROVIDE THAT WELL DECOMMISSIONING SHALL INCLUDE CERTAIN RECLAMATION OF THE WELL SITE AND TO AUTHORIZE ADDITIONAL SECURITY REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.

HOUSE BILL NO. 49
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO INJECTION WELLS; AMENDING SECTION 42-3902, IDAHO CODE, TO DEFINE "CLASS II INJECTION WELL"; AND AMENDING SECTION 42-3905, IDAHO CODE, TO REVISE FILING FEE PROVISIONS AND TO PROVIDE A FILING FEE FOR CLASS II INJECTION WELLS.

HOUSE BILL NO. 50
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO HYDROPOWER; AMENDING SECTION 42-203B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES TO LIMIT A PERMIT OR LICENSE FOR POWER PURPOSES TO A TERM, TO PROVIDE THAT THE TERM MAY BE IN CERTAIN FORMS, TO REVISE AN EXCEPTION TO APPLICABILITY, TO REVISE PROVISIONS RELATING TO THE CONSIDERATION OF CERTAIN FACTORS REGARDING THE DIRECTOR'S LIMITATION OF A PERMIT OR LICENSE TO A TERM, TO REMOVE REFERENCE TO A TERM OF YEARS, TO PROVIDE THAT THE TERM, ONCE ESTABLISHED, SHALL NOT BE MODIFIED EXCEPT IN ACCORDANCE WITH DUE PROCESS OF LAW PRIOR TO EXPIRING, TO PROVIDE FOR THE AUTOMATIC EXTENSION OF A TERM WITH ANNUAL RENEWALS OF THE PROJECT'S FEDERAL ENERGY REGULATORY COMMISSION (FERC) LICENSE, TO PROVIDE THAT THE DIRECTOR MAY REVIEW SUCH WATER RIGHT LICENSES AND ISSUE CERTAIN ORDERS PRIOR TO THE ISSUANCE OF A SUBSEQUENT OR NEW FERC LICENSE, TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH ORDERS, TO PROVIDE FOR AUTOMATIC EXTENSION OF TERMS WHERE SUCH ORDER IS NOT ISSUED AND FOR THE CONTINUED EFFECTIVENESS OF ORIGINAL CONDITIONS, TO PROVIDE FOR THE DIRECTOR'S REVIEW OF TERMS NOT ESTABLISHED BY REFERENCE TO A PROJECT'S FERC LICENSE, TO PROVIDE THAT THE DIRECTOR MAY REVIEW SUCH WATER RIGHT LICENSES AND ISSUE CERTAIN ORDERS

PRIOR TO EXPIRATION OF THE TERM, TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH ORDERS, TO PROVIDE FOR AUTOMATIC EXTENSION OF TERMS WHERE SUCH ORDER IS NOT ISSUED AND FOR THE CONTINUED EFFECTIVENESS OF ORIGINAL CONDITIONS AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 51
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029L, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR CERTIFICATION, TO PROVIDE THE AGRICULTURE VALUE ADDED INCOME TAX CREDIT, TO PROVIDE THE TAXABLE YEAR FOR THE AGRICULTURE VALUE ADDED INCOME TAX CREDIT, TO PROVIDE PROCEDURES, TO PROVIDE FOR INVESTMENT REPORTING FORMS, TO PROVIDE RULES AND TO PROVIDE APPLICATION; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING A SUNSET CLAUSE.

HOUSE BILL NO. 52
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE CIRCUIT BREAKER PROPERTY TAX RELIEF PROGRAM; AMENDING SECTION 63-713, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 63-714, IDAHO CODE, TO REVISE GROUNDS WHEN NO APPLICATION FOR DEFERRAL OF PROPERTY TAXES SHALL BE GRANTED; AMENDING SECTION 63-718, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EVENTS TERMINATING DEFERRAL AND PAYMENT OF DEFERRED TAX AND INTEREST; AMENDING SECTION 63-720, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RECOVERY OF ERRONEOUS AND OTHER IMPROPER DEFERRALS AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 42](#), [H 43](#), [H 44](#), [H 45](#), [H 46](#), [H 47](#), [H 48](#), [H 49](#), [H 50](#), [H 51](#), and [H 52](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 14](#), [H 15](#), [H 22](#), and [H 23](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 2](#) - INCOME TAX

[H 2](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Kauffman to open debate.

The question being, "Shall [H 2](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Hixon, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McMillan, Meline, Mendive, Miller(Barron), Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood. Total – 65.

NAYS – Holtzclaw. Total – 1.

Absent and excused – Henderson, Nielsen, Romrell, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 2](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 3](#) - TAX COMMISSION

[H 3](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Anderson(31) to open debate.

The question being, "Shall [H 3](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McMillan, Meline, Mendive, Miller(Barron), Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Wood(35), Woodings, Youngblood. Total – 66.

NAYS – None.

Absent and excused – Henderson, Nielsen, Romrell, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 3](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 4](#) - TAX COMMISSION

[H 4](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Burgoyne to open debate.

The question being, "Shall [H 4](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Hixon, Holtzclaw, Horman, Kauffman, King,

Kloc, Loertscher, Luker, Malek, McMillan, Meline, Mendive, Miller(Barron), Monks, Morse, Moyle, Packer, Palmer, Patterson, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wood(27), Wood(35), Woodings, Youngblood.
Total – 65.

NAYS – None.

Absent and excused – Henderson, Nielsen, Romrell, Wills, Mr. Speaker. Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 4](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Crane asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

At this time, Mr. Wills introduced Roger S. Burdick, Chief Justice of the Idaho Supreme Court, who delivered the State of the Judiciary Address to the members of the House.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Crane moved that the House adjourn until 8 a.m., Friday, January 25, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:52 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 25, 2013

House of Representatives

The House convened at 8 a.m., Mr. Moyle in the Chair.

Roll call showed 63 members present.

Absent and excused – Anderson(01), Barrett, Burgoyne, Henderson, Loertscher, Morse, Mr. Speaker. Total – 7.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bronson Gray, Page.

Approval of Journal

January 25, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 25, 2013

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 42](#), [H 43](#), [H 44](#), [H 45](#), [H 46](#), [H 47](#), [H 48](#), [H 49](#), [H 50](#), [H 51](#), and [H 52](#).

WILLS, Chairman

[H 42](#) was referred to the State Affairs Committee.

[H 43](#) and [H 44](#) were referred to the Commerce and Human Resources Committee.

[H 45](#) and [H 46](#) were referred to the Business Committee.

[H 47](#), [H 48](#), [H 49](#), and [H 50](#) were referred to the Resources and Conservation Committee.

[H 51](#) and [H 52](#) were referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 5 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING THE IDAHO TERRITORIAL SESQUICENTENNIAL AND PROVIDING THAT THE LEGISLATIVE AUDITORIUM BE NAMED THE ABRAHAM LINCOLN AUDITORIUM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, March 4, 2013, marks the 150th anniversary of the creation of the Idaho Territory by President Abraham Lincoln in 1863; and

WHEREAS, the Idaho Territorial Sesquicentennial is a once in a lifetime opportunity to educate individuals and communities across our state about their heritage and to commemorate this 150th milestone; and

WHEREAS, the Sesquicentennial will shape our state by helping Idahoans explore and appreciate our territorial roots while creating lasting legacies for the future; and

WHEREAS, Abraham Lincoln as president was involved in choosing the name "Idaho" for a new territory, lobbied Congress to accomplish passage of the Idaho Act, and appointed the first two territorial governors and thirteen other men to judicial and federal office in Idaho prior to April 14, 1865; and

WHEREAS, among President Lincoln's last official acts in the White House on the final day of his life was the authorizing of additional appointments to fill vacancies in office for the Idaho Territory; and

WHEREAS, President Lincoln also contributed to the development of the State of Idaho through his support of the Homestead Act, the Morrill Act that established land grant colleges, and by the launching of a transcontinental railway; and

WHEREAS, Abraham Lincoln embodies the essence of the American spirit, preserving the nation and creating a peace "with malice toward none and charity for all."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate the historic 150th anniversary of the creation of the Idaho Territory by President Abraham Lincoln.

BE IT FURTHER RESOLVED that the Legislative Auditorium in the West Wing of the State Capitol Building be named and forever known as the Abraham Lincoln Auditorium and that legislative leadership working with the State Historical Society and the Capitol Commission provide appropriate signs, plaques, exhibits or works of art associated with Abraham Lincoln and that these be placed in or near the Abraham Lincoln Auditorium.

[HCR 5](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 53 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE BOND BANK AUTHORITY; AMENDING SECTION 67-8703, IDAHO CODE, TO CLARIFY SALARIES FOR CERTAIN MEMBERS OF THE BOND BANK AUTHORITY.

HOUSE BILL NO. 54
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO INSURANCE PRODUCERS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1090, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE THAT PRODUCERS MAY PARTICIPATE IN A HEALTH INSURANCE EXCHANGE, TO PROVIDE FOR PAYMENT TO PRODUCERS PARTICIPATING IN THE EXCHANGE AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE RULES.

HOUSE BILL NO. 55
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE IDAHO TELEPHONE SOLICITATION ACT; AMENDING SECTION 48-1003A, IDAHO CODE, TO REMOVE AN EXCEPTION, TO REMOVE CERTAIN DEFINITIONS, TO PROVIDE THAT IT IS NOT A VIOLATION OF THE PROVISIONS OF THIS SECTION FOR A TELEPHONE SOLICITATION TO BE MADE BY OR ON BEHALF OF A BUSINESS HAVING AN EXISTING OR ESTABLISHED BUSINESS RELATIONSHIP WITH AN IDAHO RESIDENTIAL SUBSCRIBER IF THE TELEPHONE SUBSCRIBER HAS NOT STATED THAT HE DOES NOT WISH TO RECEIVE SOLICITATIONS FROM OR ON BEHALF OF SUCH BUSINESS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 56
BY KING
 AN ACT

RELATING TO MINIMUM WAGE LAW; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WAGES OF A TIPPED EMPLOYEE.

HOUSE BILL NO. 57
BY KING
 AN ACT

RELATING TO MINIMUM WAGE LAW; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MINIMUM WAGES, TO REMOVE PROVISIONS RELATING TO TIPPED EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-1503, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 58
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO WITHDRAWAL OF STATE LIENS; AMENDING SECTION 45-1902, IDAHO CODE, TO DEFINE THE TERM WITHDRAWAL; AMENDING CHAPTER 19, TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 45-1907A, IDAHO CODE, TO ESTABLISH A PROCEDURE FOR WITHDRAWAL OF A NOTICE OF LIEN; AND AMENDING SECTION 63-3055, IDAHO CODE, TO ESTABLISH PROCEDURES FOR THE STATE TAX COMMISSION TO WITHDRAW A NOTICE OF LIEN, TO PROVIDE PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 59
BY RUSCHE
 AN ACT

RELATING TO BALLOTS; PROVIDING A SHORT TITLE; AND AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-904B, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO THE PAYMENT OF CLOSED PRIMARY ELECTION EXPENSES.

HOUSE BILL NO. 60
BY GANNON
 AN ACT

RELATING TO REGISTRATION OF ELECTORS; PROVIDING A SHORT TITLE; AMENDING SECTION 34-404, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF ELIGIBLE ELECTORS AT DRIVER LICENSING OFFICES AND TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL FORWARD REGISTRATION CARDS TO THE OFFICE OF THE COUNTY CLERK.

HOUSE BILL NO. 61
BY KING
 AN ACT

RELATING TO THE INDEPENDENT ETHICS COMMISSION ACT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 84, TITLE 67, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH THE INDEPENDENT ETHICS COMMISSION, TO PROVIDE THE POWERS AND DUTIES OF THE INDEPENDENT ETHICS COMMISSION, TO PROVIDE THAT CERTAIN INFORMATION, COMPLAINTS AND REPORTS ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE AND TO PROHIBIT RETALIATION; AMENDING SECTION 9-340C, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 103, AND SECTION 1 CHAPTER 309, LAWS OF 2012, TO PROVIDE THAT CERTAIN INFORMATION, COMPLAINTS AND REPORTS ARE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 62
BY PACKER
 AN ACT

RELATING TO SALES TAX EXEMPTIONS; AMENDING SECTION 63-3622O, IDAHO CODE, TO REVISE THE DEFINITION OF "HEALTH-RELATED ENTITIES."

HOUSE BILL NO. 63
BY WOODINGS
 AN ACT

RELATING TO ABSENTEE VOTING; PROVIDING A SHORT TITLE; AND AMENDING SECTION 34-1006, IDAHO CODE, TO REVISE AND ESTABLISH ADDITIONAL PROVISIONS RELATING TO ABSENT ELECTORS' POLLING PLACES AND TO MAKE TECHNICAL CORRECTIONS.

[H 53](#), [H 54](#), [H 55](#), [H 56](#), [H 57](#), [H 58](#), [H 59](#), [H 60](#), [H 61](#), [H 62](#), and [H 63](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 4](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Crane asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Crane moved that the House adjourn until 11 a.m., Monday, January 28, 2013. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 8:15 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk